
By: **Garrett County and Allegany County Delegations**

Introduced and read first time: January 28, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Allegany and Garrett Counties - Confinement as Condition of Probation**
3 **Before Judgment**

4 FOR the purpose of authorizing a court, under certain circumstances, to impose a
5 sentence of confinement as a condition of probation before judgment in Allegany
6 County and in Garrett County.

7 BY repealing and reenacting, with amendments,
8 Article 27 - Crimes and Punishments
9 Section 641
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 27 - Crimes and Punishments**

15 641.

16 (a) (1) (i) 1. Whenever a person accused of a crime pleads guilty or nolo
17 contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if
18 satisfied that the best interests of the person and the welfare of the people of the
19 State would be served thereby, and with the written consent of the person after
20 determination of guilt or acceptance of a nolo contendere plea, may stay the entering
21 of judgment, defer further proceedings, and place the person on probation subject to
22 reasonable terms and conditions as appropriate. The terms and conditions may
23 include ordering the person to pay a fine or pecuniary penalty to the State, or to make
24 restitution, but before the court orders a fine, pecuniary penalty, or restitution the
25 person is entitled to notice and a hearing to determine the amount of the fine,
26 pecuniary penalty, or restitution, what payment will be required, and how payment
27 will be made. The terms and conditions also may include any type of rehabilitation
28 program or clinic, or similar program, or the parks program or voluntary hospital
29 program.

1 a stay of entry of judgment, the person waives the right to appeal from the judgment
2 of guilt by the court at any time.

3 (b) Upon violation of a term or condition of probation, the court may enter
4 judgment and proceed with disposition of the person as if the person had not been
5 placed on probation.

6 (c) Upon fulfillment of the terms and conditions of probation, the court shall
7 discharge the person from probation. The discharge is final disposition of the matter.
8 Discharge of a person under this section shall be without judgment of conviction and
9 is not a conviction for purposes of any disqualification or disability imposed by law
10 because of conviction of crime.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 1998.