

HOUSE BILL 731

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R4

1998 Regular Session
(8lr1563)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by ~~Delegates Bissett and Genn~~ Malone, Bissett, Genn, W. Baker, Moe, DeCarlo, Rudolph, Comeau, and V. Mitchell

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Laws - Recording of ~~PBJs~~ Probation Before Judgment**
3 **Dispositions - Select Offenses**

4 FOR the purpose of broadening the circumstances under which the Motor Vehicle
5 Administration is required to maintain certain records pertaining to probation
6 before judgment (~~PBJ~~) dispositions for offenses under the Maryland Vehicle Law
7 to include any offenses punishable by a period of incarceration; making stylistic
8 changes; and generally relating to records of ~~PBJs~~ probation before judgment
9 dispositions.

10 BY repealing and reenacting, with amendments,
11 Article - Transportation
12 Section 16-117
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1997 Supplement)

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

3 **Article - Transportation**

4 16-117.

5 (a) The Administration shall keep a record of:

6 (1) Each driver's license application that it receives;

7 (2) Each driver's license that it issues; and

8 (3) Each licensee whose license to drive the Administration has
9 suspended or revoked, and the reasons for the action.

10 (b) (1) The Administration shall file each accident report and abstract of
11 court disposition records that it receives under the laws of this State.

12 (2) The Administration shall keep convenient records or make suitable
13 notations showing the convictions or traffic accidents in which each licensee has been
14 involved and every probation before judgment disposition of any violation [of §
15 21-902] of this article FOR WHICH A PERIOD OF INCARCERATION MAY BE IMPOSED.
16 A record or notation of a probation before judgment disposition, or a first offense of
17 driving with an alcohol concentration of 0.10 or more under § 16-205.1 of this article,
18 shall be segregated by the Administration and shall be available only to the
19 Administration, the courts, criminal justice agencies, and the defendant or [his] THE
20 DEFENDANT'S attorney. However, a record or notation of a probation before judgment,
21 or a first offense of driving with an alcohol concentration of 0.10 or more under §
22 16-205.1 of this article, may not be received or considered by the courts until a plea of
23 guilty or nolo contendere is made by the defendant or a finding of guilty is made by
24 the court.

25 (3) These records or notations shall be made so that they are readily
26 available for consideration by the Administration of any license renewal application
27 and at any other suitable time.

28 (4) Accident reports and abstracts of court convictions pertaining to
29 driving an emergency vehicle, if received by a person who was driving an emergency
30 vehicle pursuant to the provisions of § 21-106 of this article, shall be segregated by
31 the Administration and shall be available only to the Administration.

32 (5) Except as provided in this section, an employee of the Administration
33 may not disclose any records or information regarding probation before judgment, or
34 a first offense of driving with an alcohol concentration of 0.10 or more under §
35 16-205.1 of this article.

36 (c) If a charge of a Maryland Vehicle Law violation against any individual is
37 dismissed by a court of competent jurisdiction, a record of the charge and dismissal
38 may not be included in [his] THE INDIVIDUAL'S driving record.

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