

SENATE BILL 409

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1998 Regular Session
8r2002
CF 8r1563

By: **Senator Jimeno**
Introduced and read first time: February 6, 1998
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 25, 1998

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)

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

17 **Article - Transportation**

18 16-117.

- 19 (a) The Administration shall keep a record of:
- 20 (1) Each driver's license application that it receives;
 - 21 (2) Each driver's license that it issues; and

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

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

5 (2) The Administration shall keep convenient records or make suitable
6 notations showing the convictions or traffic accidents in which each licensee has been
7 involved and every probation before judgment disposition of any violation [of §
8 21-902] of this article FOR WHICH A PERIOD OF INCARCERATION MAY BE IMPOSED.
9 A record or notation of a probation before judgment disposition, or a first offense of
10 driving with an alcohol concentration of 0.10 or more under § 16-205.1 of this article,
11 shall be segregated by the Administration and shall be available only to the
12 Administration, the courts, criminal justice agencies, and the defendant or [his] THE
13 DEFENDANT'S attorney. However, a record or notation of a probation before judgment,
14 or a first offense of driving with an alcohol concentration of 0.10 or more under §
15 16-205.1 of this article, may not be received or considered by the courts until a plea of
16 guilty or nolo contendere is made by the defendant or a finding of guilty is made by
17 the court.

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

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

25 (5) Except as provided in this section, an employee of the Administration
26 may not disclose any records or information regarding probation before judgment, or
27 a first offense of driving with an alcohol concentration of 0.10 or more under §
28 16-205.1 of this article.

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

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

