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By: **Howard County Delegation**

Introduced and read first time: January 24, 2000

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Howard County - Confinement as a Condition of Probation**  
3 **Ho. Co. 4-00**

4 FOR the purpose of authorizing in Howard County the court to impose a sentence of  
5 confinement as a condition of probation; and generally relating to probation.

6 BY repealing and reenacting, with amendments,  
7 Article 27 - Crimes and Punishments  
8 Section 641  
9 Annotated Code of Maryland  
10 (1996 Replacement Volume and 1999 Supplement)

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

13 **Article 27 - Crimes and Punishments**

14 641.

15 (a) (1) (i) 1. Whenever a person accused of a crime pleads guilty or nolo  
16 contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if  
17 satisfied that the best interests of the person and the welfare of the people of the  
18 State would be served thereby, and with the written consent of the person after  
19 determination of guilt or acceptance of a nolo contendere plea, may stay the entering  
20 of judgment, defer further proceedings, and place the person on probation subject to  
21 reasonable terms and conditions as appropriate. The terms and conditions may  
22 include ordering the person to pay a fine or pecuniary penalty to the State, or to make  
23 restitution, but before the court orders a fine, pecuniary penalty, or restitution the  
24 person is entitled to notice and a hearing to determine the amount of the fine,  
25 pecuniary penalty, or restitution, what payment will be required, and how payment  
26 will be made. The terms and conditions also may include any type of rehabilitation  
27 program or clinic, or similar program, or the parks program or voluntary hospital  
28 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, 2000.