

SENATE BILL 94

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SB 384/02 - JPR

2003 Regular Session
3lr0435
CF 3lr1553

By: **Senators Ruben, Forehand, Garagiola, Hooper, Kelley, Kramer, Lawlah,
and Teitelbaum**

Introduced and read first time: January 22, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Drunk and Drugged Driving and Homicide and**
3 **Life-Threatening Injury by Motor Vehicle Offenses - Probation Before**
4 **Judgment**

5 FOR the purpose of extending the time period during which a court is prohibited from
6 staying the entry of judgment and placing a person on probation for a
7 subsequent violation of certain alcohol- or drug-related driving offenses or
8 certain homicide or life-threatening injury by motor vehicle offenses if the
9 person previously was convicted of or placed on probation for certain alcohol- or
10 drug-related driving offenses or certain homicide or life-threatening injury by
11 motor vehicle offenses; and generally relating to certain drunk and drugged
12 driving and homicide and life-threatening injury by motor vehicle offenses and
13 probation before judgment.

14 BY repealing and reenacting, without amendments,
15 Article - Criminal Procedure
16 Section 6-220(b) and (c)
17 Annotated Code of Maryland
18 (2001 Volume and 2002 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Criminal Procedure
21 Section 6-220(d)
22 Annotated Code of Maryland
23 (2001 Volume and 2002 Supplement)

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

1

Article - Criminal Procedure

2 6-220.

3 (b) (1) When a defendant pleads guilty or nolo contendere or is found guilty
4 of a crime, a court may stay the entering of judgment, defer further proceedings, and
5 place the defendant on probation subject to reasonable conditions if:

6 (i) the court finds that the best interests of the defendant and the
7 public welfare would be served; and

8 (ii) the defendant gives written consent after determination of guilt
9 or acceptance of a nolo contendere plea.

10 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions
11 may include an order that the defendant:

12 (i) pay a fine or monetary penalty to the State or make restitution;
13 or

14 (ii) participate in a rehabilitation program, the parks program, or a
15 voluntary hospital program.

16 (3) Before the court orders a fine, monetary penalty, or restitution, the
17 defendant is entitled to notice and a hearing to determine the amount of the fine,
18 monetary penalty, or restitution, what payment will be required, and how payment
19 will be made.

20 (4) Any fine or monetary penalty imposed as a condition of probation
21 shall be within the amount set by law for a violation resulting in conviction.

22 (5) As a condition of probation, the court may order a person to a term of
23 custodial confinement.

24 (c) (1) When the crime for which the judgment is being stayed is for a
25 violation of § 21-902 of the Transportation Article, the court shall impose a period of
26 probation and, as a condition of the probation:

27 (i) shall require the defendant to participate in an alcohol
28 treatment or education program approved by the Department of Health and Mental
29 Hygiene, unless the court finds and states on the record that the interests of the
30 defendant and the public do not require the imposition of this condition; and

31 (ii) may prohibit the defendant from operating a motor vehicle
32 unless the motor vehicle is equipped with an ignition interlock system under § 27-107
33 of the Transportation Article.

34 (2) When the crime for which the judgment is being stayed is for a
35 violation of any provision of Title 5 of the Criminal Law Article, the court shall impose
36 a period of probation and, as a condition of probation, require the defendant to

1 participate in a drug treatment or education program approved by the Department of
2 Health and Mental Hygiene, unless the court finds and states on the record that the
3 interests of the defendant and the public do not require the imposition of this
4 condition.

5 (d) Notwithstanding subsections (b) and (c) of this section, a court may not
6 stay the entering of judgment and place a defendant on probation for:

7 (1) a violation of § 21-902 of the Transportation Article or § 2-503, §
8 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the
9 preceding [5] 10 years the defendant has been convicted under § 21-902 of the
10 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the
11 Criminal Law Article, or has been placed on probation in accordance with this section,
12 after being charged with a violation of § 21-902 of the Transportation Article or §
13 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;

14 (2) a second or subsequent controlled dangerous substance crime under
15 Title 5 of the Criminal Law Article; or

16 (3) a violation of any of the provisions of §§ 3-303 through 3-307 of the
17 Criminal Law Article for a crime involving a person under the age of 16 years.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2003.