
By: **Senator Giannetti**

Introduced and read first time: January 31, 2003

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Conditions of Probation**

3 FOR the purpose of requiring a court that suspends a sentence or stays a judgment of
4 conviction and places a defendant on probation for certain alcohol- or
5 drug-related driving offenses to impose as a condition of probation that the
6 defendant participate in an alcohol or drug treatment or education program
7 approved by the Department of Health and Mental Hygiene under certain
8 circumstances; requiring a court that stays a judgment of conviction for certain
9 alcohol- or drug-related driving offenses to impose a period of probation under
10 certain circumstances; authorizing a court that stays a judgment of conviction
11 and places a defendant on probation for certain alcohol- or drug-related driving
12 offenses to prohibit the defendant from operating a motor vehicle unless the
13 motor vehicle is equipped with an alcohol ignition interlock system; and
14 generally relating to conditions of probation for certain alcohol- or drug-related
15 driving offenses under certain circumstances.

16 BY repealing and reenacting, with amendments,
17 Article - Criminal Procedure
18 Section 6-219(c)(1) and 6-220(c)(1)
19 Annotated Code of Maryland
20 (2001 Volume and 2002 Supplement)

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

23 **Article - Criminal Procedure**

24 6-219.

25 (c) (1) If the court places on probation a defendant who has been convicted
26 of a violation of [§ 21-902(a) or (b)] § 21-902 of the Transportation Article OR § 2-503,
27 § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, the court shall
28 require as a condition that the defendant participate in an alcohol OR DRUG
29 treatment or education program approved by the Department of Health and Mental

1 Hygiene, unless the court finds and states on the record that the interests of the
2 defendant and the public do not require the imposition of this condition.

3 6-220.

4 (c) (1) When the crime for which the judgment is being stayed is for a
5 violation of § 21-902 of the Transportation Article OR § 2-503, § 2-504, § 2-505, § 2-506,
6 OR § 3-211 OF THE CRIMINAL LAW ARTICLE, the court shall impose a period of
7 probation and, as a condition of the probation:

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

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

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