

SENATE BILL 427

Unofficial Copy  
R3  
HB 523/02 - JUD

2003 Regular Session  
3lr0554  
CF 3lr0770

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By: **Senator Giannetti**

Introduced and read first time: January 31, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 19, 2003

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CHAPTER\_\_\_\_\_

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:

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**Article - Criminal Procedure**

2 6-219.

3 (c) (1) If the court places on probation a defendant who has been convicted  
4 of a violation of [§ 21-902(a) or (b)] § 21-902 of the Transportation Article OR § 2-503,  
5 § 2-504, § 2-505, § 2-506, OR § 3-211 OF THE CRIMINAL LAW ARTICLE, the court shall  
6 require as a condition that the defendant participate in an alcohol OR DRUG  
7 treatment or education program approved by the Department of Health and Mental  
8 Hygiene, unless the court finds and states on the record that the interests of the  
9 defendant and the public do not require the imposition of this condition.

10 6-220.

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

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

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

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