Unofficial Copy E2

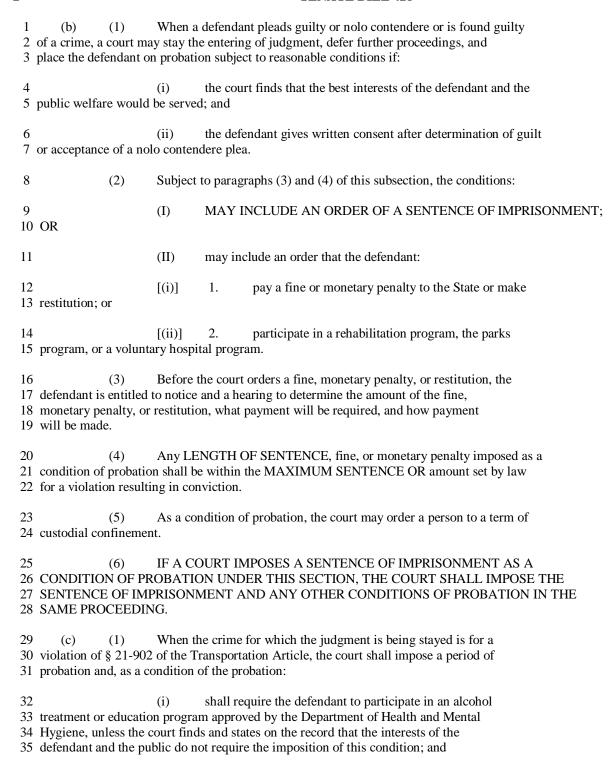
2003 Regular Session 3lr1758

By: Senator Giannetti

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

	A BILL ENTITLED
1	AN ACT concerning
2	Criminal Procedure - Imprisonment as a Condition of Probation Before Judgment - Required
4 5 6 7 8 9	FOR the purpose of authorizing a court to impose a certain sentence of imprisonment as a condition of probation before judgment; requiring a court that imposes a sentence of imprisonment as a condition of probation to impose the sentence and other conditions of probation in the same proceeding; repealing a provision authorizing a court in certain counties to impose a sentence of imprisonment as a condition of probation; and generally relating to conditions of probation before judgment.
11 12 13 14	Section 6-220 Annotated Code of Maryland
16 17	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
18	Article - Criminal Procedure
19	6-220.
20	(a) (1) In this section, "custodial confinement" means:
21	(i) home detention;
24	(ii) a corrections options program established under law which requires the individual to participate in home detention, inpatient treatment, or other similar program involving terms and conditions that constitute the equivalent of confinement; or
26	(iii) inpatient drug or alcohol treatment.
27	(2) "Custodial confinement" does not include imprisonment.

SENATE BILL 428



SENATE BILL 428

1 may prohibit the defendant from operating a motor vehicle (ii) 2 unless the motor vehicle is equipped with an ignition interlock system under § 27-107 3 of the Transportation Article. 4 When the crime for which the judgment is being stayed is for a (2)5 violation of any provision of Title 5 of the Criminal Law Article, the court shall impose 6 a period of probation and, as a condition of probation, require the defendant to participate in a drug treatment or education program approved by the Department of 8 Health and Mental Hygiene, unless the court finds and states on the record that the 9 interests of the defendant and the public do not require the imposition of this 10 condition. 11 Notwithstanding subsections (b) and (c) of this section, a court may not 12 stay the entering of judgment and place a defendant on probation for: a violation of § 21-902 of the Transportation Article or § 2-503, § 14 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the 15 preceding 5 years the defendant has been convicted under § 21-902 of the 16 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the 17 Criminal Law Article, or has been placed on probation in accordance with this section, 18 after being charged with a violation of § 21-902 of the Transportation Article or § 19 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article; a second or subsequent controlled dangerous substance crime under 21 Title 5 of the Criminal Law Article; or a violation of any of the provisions of §§ 3-303 through 3-307 of the 22 23 Criminal Law Article for a crime involving a person under the age of 16 years. 24 (e) (1) By consenting to and receiving a stay of entering of the judgment as 25 provided by subsections (b) and (c) of this section, the defendant waives the right to 26 appeal at any time from the judgment of guilt. 27 Before granting a stay, the court shall notify the defendant of the 28 consequences of consenting to and receiving a stay of entry of judgment under paragraph (1) of this subsection. 30 On violation of a condition of probation, the court may enter judgment and 31 proceed as if the defendant had not been placed on probation. 32 On fulfillment of the conditions of probation, the court shall (g) (1) 33 discharge the defendant from probation. 34 (2) The discharge is a final disposition of the matter. 35 Discharge of a defendant under this section shall be without 36 judgment of conviction and is not a conviction for the purpose of any disqualification 37 or disability imposed by law because of conviction of a crime.

- 1 [(h) In Allegany County, Calvert County, Charles County, Garrett County, 2 Howard County, and St. Mary's County, the court may impose a sentence of
- 3 imprisonment as a condition of probation.]
- 4 [(i)]If an individual violates the terms of probation, any time served by
- 5 the individual in custodial confinement shall be credited against any sentence of
- 6 incarceration imposed by the court.
- 7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 8 effect October 1, 2003.