
By: **Delegates Dumais, Bronrott, Aumann, Barkley, Cryor, Feldman, Hogan,
King, Lee, Mandel, Menes, Petzold, Quinter, Shank, Shewell, and Taylor**
Introduced and read first time: February 11, 2005
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles - Drunk and Drugged Driving and Homicide or**
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 or 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 2004 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 2004 Supplement)

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

Article - Criminal Procedure

1 6-220.

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

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

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

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

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

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

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

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

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

23 (c) (1) When the crime for which the judgment is being stayed is for a
24 violation of § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, §
25 2-506, or § 3-211 of the Criminal Law Article, the court:

26 (i) before imposing a period of probation, may order the
27 Department of Health and Mental Hygiene to evaluate the defendant in accordance
28 with § 8-505 of the Health - General Article;

29 (ii) if an evaluation was ordered under item (i) of this paragraph,
30 shall review the evaluation before imposing a period of probation; and

31 (iii) shall impose a period of probation and, as a condition of the
32 probation:

33 1. shall require the defendant to participate in an alcohol or
34 drug treatment or education program approved by the Department of Health and
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