
By: **Delegates Bronrott, Dumais, Dwyer, Lee, Mayer, McKee, McMillan,
Menes, Petzold, Quinter, Shank, and Sophocleus**

Introduced and read first time: February 8, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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

13 BY repealing and reenacting, without amendments,
14 Article - Criminal Procedure
15 Section 6-220(b) and (c)
16 Annotated Code of Maryland
17 (2001 Volume and 2005 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Criminal Procedure
20 Section 6-220(d)
21 Annotated Code of Maryland
22 (2001 Volume and 2005 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 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 or imprisonment.

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 or § 2-503, § 2-504, § 2-505, §
26 2-506, or § 3-211 of the Criminal Law Article, the court:

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

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

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

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

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

3 2. may prohibit the defendant from operating a motor vehicle
4 unless the motor vehicle is equipped with an ignition interlock system under § 27-107
5 of the Transportation Article.

6 (2) When the crime for which the judgment is being stayed is for a
7 violation of any provision of Title 5 of the Criminal Law Article, the court shall impose
8 a period of probation and, as a condition of probation, require the defendant to
9 participate in a drug treatment or education program approved by the Department of
10 Health and Mental Hygiene, unless the court finds and states on the record that the
11 interests of the defendant and the public do not require the imposition of this
12 condition.

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

15 (1) a violation of § 21-902 of the Transportation Article or § 2-503, §
16 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the
17 preceding [5] 10 years the defendant has been convicted under § 21-902 of the
18 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the
19 Criminal Law Article, or has been placed on probation in accordance with this section,
20 after being charged with a violation of § 21-902 of the Transportation Article or §
21 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;

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

24 (3) a violation of any of the provisions of §§ 3-303 through 3-307, §§
25 3-309 through 3-312, § 3-315, or § 3-602 of the Criminal Law Article for a crime
26 involving a person under the age of 16 years; or

27 (4) a moving violation, as defined in § 11-136.1 of the Transportation
28 Article, if:

29 (i) the defendant holds a provisional license under § 16-111 of the
30 Transportation Article; and

31 (ii) the defendant has previously been placed on probation under
32 this section for the commission of a moving violation while the defendant held a
33 provisional license.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2006.