
By: **Senators Ruben, Britt, Brochin, Forehand, Garagiola, Grosfeld, Hooper,
Jacobs, Jones, Kelley, Kramer, Mooney, Stone, and Teitelbaum**

Introduced and read first time: January 30, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Probation Before Judgment - Time Limit - Alcohol- or Drug-Related**
3 **Offenses**

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 offenses if the person
7 previously was convicted of or placed on a certain probation for certain alcohol-
8 or drug-related offenses; and generally relating to extending a time limit on
9 probation before judgment for certain alcohol- or drug-related offenses.

10 BY repealing and reenacting, without amendments,

11 Article - Criminal Procedure

12 Section 6-220(b) and (c)(1)

13 Annotated Code of Maryland

14 (2001 Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Criminal Procedure

17 Section 6-220(d)

18 Annotated Code of Maryland

19 (2001 Volume and 2005 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Criminal Procedure**

23 6-220.

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

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

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

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

7 (i) pay a fine or monetary penalty to the State or make restitution;
8 or

9 (ii) participate in a rehabilitation program, the parks program, or a
10 voluntary hospital program.

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

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

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

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

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

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

27 (iii) shall impose a period of probation and, as a condition of the
28 probation:

29 1. shall require the defendant to participate in an alcohol or
30 drug treatment or education program approved by the Department of Health and
31 Mental Hygiene, unless the court finds and states on the record that the interests of
32 the defendant and the public do not require the imposition of this condition; and

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

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

3 (1) a violation of § 21-902 of the Transportation Article or § 2-503, §
4 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the
5 preceding [5] 10 years the defendant has been convicted under § 21-902 of the
6 Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the
7 Criminal Law Article, or has been placed on probation in accordance with this section,
8 after being charged with a violation of § 21-902 of the Transportation Article or §
9 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;

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

12 (3) a violation of any of the provisions of §§ 3-303 through 3-307, §§
13 3-309 through 3-312, § 3-315, or § 3-602 of the Criminal Law Article for a crime
14 involving a person under the age of 16 years; or

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

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

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

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