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

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Assigned to: Judicial Proceedings

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Committee Report: Favorable

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CHAPTER \_\_\_\_\_

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:

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**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

