

HB0096/703029/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 96
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “of” insert “requiring the court, if the court stays the entering of judgment and places a defendant on probation for a first violation of a controlled dangerous substance crime, to require the defendant to graduate from drug court as a condition of probation;”; and after line 7, insert:

“BY repealing and reenacting, without amendments,

Article - Criminal Procedure

Section 6-220(b)(1)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)

BY adding to

Article - Criminal Procedure

Section 6-220(c)(3)

Annotated Code of Maryland

(2008 Replacement Volume and 2011 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 16, insert:

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

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

(Over)

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

(c) **(3) WHEN THE CRIME FOR WHICH THE JUDGMENT IS BEING STAYED IS FOR A FIRST VIOLATION OF § 5-601 OF THE CRIMINAL PROCEDURE ARTICLE, THE COURT SHALL REQUIRE THE DEFENDANT TO GRADUATE FROM DRUG COURT AS A CONDITION OF PROBATION.**