

**CHAPTER 460**

**(Senate Bill 107)**

AN ACT concerning

**Criminal Procedure - Sex Offenses - Prohibition Against Probation Before Judgment**

FOR the purpose of including certain additional sex offenses among the offenses for which a court is prohibited from staying the entering of judgment and placing a defendant on probation; and generally relating to sex offenses and probation before judgment.

BY repealing and reenacting, with amendments,  
Article - Criminal Procedure  
Section 6-220(d)  
Annotated Code of Maryland  
(2001 Volume and 2004 Supplement)

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

**Article - Criminal Procedure**

6-220.

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

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

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

(3) a violation of any of the provisions of §§ 3-303 through 3-307, §§ 3-309 THROUGH 3-312, § 3-315, OR § 3-602 of the Criminal Law Article for a crime involving a person under the age of 16 years.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved May 26, 2005.