

Article 27 - Crimes and Punishments

641.

(a) (1) (i) Whenever a person accused of a crime pleads guilty or nolo contendere or is found guilty of an offense, a court exercising criminal jurisdiction, if satisfied that the best interests of the person and the welfare of the people of the State would be served thereby, and with the written consent of the person after determination of guilt or acceptance of a nolo contendere plea, may stay the entering of judgment, defer further proceedings, and place the person on probation subject to reasonable terms and conditions as appropriate. The terms and conditions may include ordering the person to pay a fine or pecuniary penalty to the State, or to make restitution, but before the court orders a fine, pecuniary penalty, or restitution the person is entitled to notice and a hearing to determine the amount of the fine, pecuniary penalty, or restitution, what payment will be required, and how payment will be made. The terms and conditions also may include any type of rehabilitation program or clinic, or similar program, or the parks program or voluntary hospital program.

(ii) However, when the offense for which the judgment is being stayed is for violation of § 21-902(a) or (b) of the Transportation Article, the court:

1. [shall] SHALL impose a period of probation and, as a condition of the probation, require the person to participate in an alcohol treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and affirmatively states on the record that the interests of the person and the people of the State do not require the imposition of this condition; AND

2. MAY, AS A CONDITION OF PROBATION, PROHIBIT THE PERSON FROM OPERATING A MOTOR VEHICLE UNLESS THE MOTOR VEHICLE IS EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM PURSUANT-TO UNDER § 27-107 OF THE TRANSPORTATION ARTICLE.

(iii) Any fine or pecuniary penalty imposed as a term or condition of probation shall be within the amount prescribed by law for a violation resulting in conviction.

(2) Notwithstanding paragraph (1) of this subsection, a court may not stay the entering of judgment and place a person on probation for a second or subsequent violation of § 21-902(a) or (b) of the Transportation Article if the second or subsequent violation occurred within 5 years of the previous violation. A person is in violation of § 21-902(a) or (b) if that person receives probation under this section.