

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.

2. In Charles County, St. Mary's County, and Calvert County, the court may impose a sentence of confinement as a condition of probation.

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

1. 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 under § 27-107 of the Transportation Article.

(III) WHEN THE OFFENSE FOR WHICH THE JUDGMENT IS BEING STAYED IS FOR A VIOLATION OF ANY PROVISION OF §§ 276 THROUGH 303 OF THIS ARTICLE, THE COURT SHALL REQUIRE THE PERSON TO PARTICIPATE IN A DRUG 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.

(iii) (IV) 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 any provision of § 21-902 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 if that person receives probation under this section.

(3) 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 CONTROLLED DANGEROUS SUBSTANCE OFFENSE AS DEFINED IN § 298 UNDER §§ 276 THROUGH 303 OF THIS ARTICLE.

[(3)] (4) By consenting to and receiving a stay of entering of the judgment as provided by this subsection, the person waives the right to appeal from the judgment of guilt by the court at any time. Prior to the person consenting to the stay of entering