

such sentences as may be provided by law with respect to the offense upon which an accused has been convicted and cause the convict to serve such sentence by attendance at the county detention center or place of confinement under the jurisdiction of the sheriff, where the sentence is to be performed during any 48-hour period, in any seven-day period, with each period of confinement to constitute not less than two days of the sentence imposed; provided however the offense leading to such conviction shall permit confinement in the county detention center and the total sentence imposed by the judge shall not exceed 30 two-day periods of confinement.

641.

(a) (1) 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 make restitution, but before the court orders restitution the person is entitled to notice and a hearing to determine the amount of 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, [including but not limited to the driving while intoxicated school,] or similar program, or the parks program or voluntary hospital program.

HOWEVER, WHEN THE OFFENSE FOR WHICH THE JUDGMENT IS BEING STAYED IS FOR VIOLATION OF SECTION 21-902(A) OR 21-902(B) OF THE TRANSPORTATION ARTICLE, THE COURT SHALL IMPOSE A PERIOD OF PROBATION AND AS A CONDITION THEREOF REQUIRE THE PERSON TO PARTICIPATE IN AN ALCOHOL TREATMENT OR EDUCATION PROGRAM APPROVED BY THE ADMINISTRATIVE OFFICE OF THE COURT AS A CONDITION OF THE PROBATION, 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.

(2) 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 of the judgment, the court shall notify the person that by consenting to and receiving a stay of entry of judgment, he waives the right to appeal from the judgment of guilt by the court at any time.

(b) Upon violation of a term or condition of probation, the court may enter judgment and proceed with disposition of the person as if the person had not been placed on probation.