

**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.

May 26, 2005

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have