

places the person on probation, it shall require, AS A CONDITION OF THE SUSPENSION OF SENTENCE, THAT the person [to] participate in an alcohol treatment or education program approved by the [Administrative Office of the Courts as a condition of the suspension of sentence] 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.

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 shall impose a period of probation and, as a condition [thereof] OF THE PROBATION, require the person to participate in an alcohol treatment or education program approved by the [Administrative Office of the Courts as a condition of the probation] 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.

Article - Courts and Judicial Proceedings

13-101.

(E) THE ADMINISTRATIVE OFFICE OF THE COURTS SHALL:

(1) KEEP A CURRENT LIST OF ALCOHOLISM EDUCATION OR TREATMENT PROGRAMS THAT THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE APPROVES FOR USE UNDER ARTICLE 27, § 639(B) OR § 641(A)(1)(II) OF THE CODE; AND

(2) NOTIFY PROMPTLY THE APPROPRIATE JUDGES WHENEVER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE APPROVES A NEW ALCOHOLISM EDUCATION OR TREATMENT PROGRAM OR WITHDRAWS APPROVAL FOR A PROGRAM.