

(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.

(3) 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, the person waives the right to appeal from the judgment of guilt by the court at any time.

#### Article - Transportation

27-101.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than \$500 or imprisonment for not more than 2 months or both:

(1) § 12-301(d) ("Special identification cards: Fraud and misrepresentation prohibited");

(2) § 14-102 ("Taking or driving vehicle without consent of owner");