

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 ANY PROVISION OF § 21-902[(a) or (b)] of the Transportation Article, the court 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.

(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 ANY PROVISION 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

21-902.

(a) A person may not drive or attempt to drive any vehicle while intoxicated.

(b) A person may not drive or attempt to drive any vehicle while under the influence of alcohol.

(c) (1) A person may not drive or attempt to drive any vehicle while he is so far under the influence of any drug, any