

(iv) 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 violation of any provision of § 21-902 of the Transportation Article if the person has been convicted under, or has been placed on probation under this section after being charged with a violation of, § 21-902 of the Transportation Article within the preceding 5 years.

(3) 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 controlled dangerous substance offense under §§ 276 through 303 of this article.

(4) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, A COURT MAY NOT STAY THE ENTERING OF JUDGMENT AND PLACE A PERSON ON PROBATION FOR A VIOLATION OF:

~~(A) SECTION 35C OF THIS ARTICLE BY COMMITTING FOR AN OFFENSE INVOLVING SEXUAL ABUSE OF A CHILD; OR~~

~~(B) ANY OF THE PROVISIONS OF §§ 462 THROUGH 464C 464B OF THIS ARTICLE FOR AN OFFENSE INVOLVING A CHILD PERSON UNDER THE AGE OF 16 YEARS.~~

[(4)](5) 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.

(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.

(c) Upon fulfillment of the terms and conditions of probation, the court shall discharge the person from probation. The discharge is final disposition of the matter. Discharge of a person under this section shall be without judgment of conviction and is not a conviction for purposes of any disqualification or disability imposed by law because of conviction of crime.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect on or application to any person who has been convicted of ~~sexual abuse of a child violating Article 27, § 35C of the Code or of a sexual offense involving a child person~~ under the age of 16 years before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.