

BY repealing and reenacting, with amendments,

Article 27 – Crimes and Punishments

Section 639, 641, and 641A

Annotated Code of Maryland

(1996 Replacement Volume and 2000 Supplement)

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 6-219, 6-220, and 6-225

Annotated Code of Maryland

(As enacted by Chapter 10 (S.B. 1) of the Acts of the General Assembly of 2001)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 27 – Crimes and Punishments

639.

(a) (1) IN THIS SECTION, “CUSTODIAL CONFINEMENT” MEANS:

(I) HOME DETENTION;

(II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER ~~THE CODE OR BY COUNTY ORDINANCE THAT~~ LAW WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION, INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

(III) INPATIENT DRUG OR ALCOHOL TREATMENT ~~ORDERED IN COMPLIANCE WITH TITLE 8, SUBTITLE 5 OF THE HEALTH – GENERAL ARTICLE.~~

(2) “CUSTODIAL CONFINEMENT” DOES NOT INCLUDE IMPRISONMENT.

(B) (1) The courts may suspend sentence generally or for a definite time, and may make such orders and impose such terms as to costs, recognizance for appearance, or matters relating to the residence or conduct of the convicts as may be deemed proper; and if the convict is a person under 18 years of age, the courts may also make such orders as to his detention in any care or custody as may be deemed proper.

(2) In Charles County, St. Mary’s County, and Calvert County, the court may impose a sentence of [confinement] IMPRISONMENT as a condition of probation.

(3) AS A CONDITION OF A SUSPENDED SENTENCE, THE COURT MAY ORDER A PERSON TO A TERM OF CUSTODIAL CONFINEMENT.

[(b)](C) However, when the conviction is for violation of § 21-902(a) or (b) of the Transportation Article, if the court places the person on probation, it shall require, as a condition of the suspension of sentence, that the person participate in an alcohol treatment or education program approved by the Department of Health and Mental