

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.

2. In Allegany County, Calvert County, Charles County, Garrett County, Howard County, and St. Mary's County, the court may impose a sentence of [confinement] IMPRISONMENT as a condition of probation.

3. AS A CONDITION OF PROBATION, THE COURT MAY ORDER A PERSON TO A TERM OF CUSTODIAL CONFINEMENT.

(ii) However, when the offense for which the judgment is being stayed is for violation of any provision of § 21-902 of the Transportation Article, the court:

1. 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 under § 27-107 of the Transportation Article.

(iii) When the offense for which the judgment is being stayed is for a violation of any provision of §§ 276 through 303 of this article, the court shall require the person to participate in a drug 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.

(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.