

[(3)](4) The court may impose a sentence for a specified period and provide that a lesser period be served in confinement, suspend the remainder of the sentence and grant probation for a period longer than the sentence but not in excess of 5 years.

[(4)](5) However, if the defendant consents in writing, the court may grant probation in excess of 5 years, but only for purposes of making restitution.

(b) Probation may be granted whether the offense is punishable by fine or imprisonment or both. If the offense is punishable by both fine and imprisonment, the court may impose a fine and place the defendant on probation as to the imprisonment. Probation may be limited to one or more counts or indictments, but, in the absence of express limitation, shall extend to the entire sentence and judgment. The court may revoke or modify any condition of probation or may reduce the period of probation.

(c) If a sentence of imprisonment is imposed, a portion of it is suspended, and the defendant is placed on probation, the court may impose as a condition of probation that the probation commence on the date the defendant is actually released from imprisonment.

(d) When the probation granted is for violation of any provision of §§ 276 through 303 of this 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 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.

(E) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME SERVED BY THE INDIVIDUAL IN CUSTODIAL CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE COURT.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### Article - Criminal Procedure

6-219.

(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.