

[(2) "Custodial confinement" does not include imprisonment.]

(b) (1) When a defendant pleads guilty or nolo contendere or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if:

(i) the court finds that the best interests of the defendant and the public welfare would be served; and

(ii) the defendant gives written consent after determination of guilt or acceptance of a nolo contendere plea.

(2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant:

(i) pay a fine or monetary penalty to the State or make restitution; or

(ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program.

(3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made.

(4) Any fine or monetary penalty imposed as a condition of probation shall be within the amount set by law for a violation resulting in conviction.

(5) As a condition of probation, the court may order a person to a term of custodial confinement OR IMPRISONMENT.

[(h) In Allegany County, Calvert County, Charles County, Garrett County, Howard County, and St. Mary's County, the court may impose a sentence of imprisonment as a condition of probation.]

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(d) [In Calvert County, Cecil County, Charles County, Harford County, and St. Mary's County, the] THE court may impose a sentence of CUSTODIAL CONFINEMENT OR imprisonment as a condition of probation.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

May 22, 2003
The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis MD 21401

Dear Mr. Speaker: