

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

(c) (1) When the crime for which the judgment is being stayed is for a violation of § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, the court ~~shall~~ [impose]:

(I) ~~PRIOR TO BEFORE~~ IMPOSING a period of probation, MAY ORDER THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TO EVALUATE THE DEFENDANT IN ACCORDANCE WITH § 8-505 OF THE HEALTH - GENERAL ARTICLE; AND

(II) ~~AFTER REVIEW OF THE EVALUATION IF AN EVALUATION WAS ORDERED UNDER ITEM (I) OF THIS PARAGRAPH, SHALL REVIEW THE EVALUATION BEFORE IMPOSING A PERIOD OF PROBATION; AND~~

(III) SHALL IMPOSE A PERIOD OF PROBATION and, as a condition of the probation:

[(i)] 1. shall require the defendant to participate in an alcohol or drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition; and

[(ii)] 2. may prohibit the defendant from operating a motor vehicle unless the motor vehicle is equipped with an ignition interlock system under § 27-107 of the Transportation Article.

(2) When the crime for which the judgment is being stayed is for a violation of any provision of Title 5 of the Criminal Law Article, the court shall impose a period of probation and, as a condition of probation, require the defendant to participate in a drug treatment or education program approved by the Department of Health and Mental Hygiene, unless the court finds and states on the record that the interests of the defendant and the public do not require the imposition of this condition.

(d) Notwithstanding subsections (b) and (c) of this section, a court may not stay the entering of judgment and place a defendant on probation for:

(1) a violation of § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, if within the preceding 5 years the defendant has been convicted under § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article, or has been placed on probation in accordance with this section, after being charged with a violation of § 21-902 of the Transportation Article or § 2-503, § 2-504, § 2-505, § 2-506, or § 3-211 of the Criminal Law Article;

(2) a second or subsequent controlled dangerous substance crime under Title 5 of the Criminal Law Article; or

(3) a violation of any of the provisions of §§ 3-303 through 3-307 of the Criminal Law Article for a crime involving a person under the age of 16 years.