

(1) CHARGED WITH A VIOLENT CRIME OF VIOLENCE AS DEFINED UNDER § 7-101 § 14-101 OF THE CORRECTIONAL SERVICES CRIMINAL LAW ARTICLE OR WITH A VIOLATION OF TITLE 3, SUBTITLE 6 OR SUBTITLE 8, OR § 3-203, § 3-204, § 5-612, § 5-613, § 5-614, § 5-621, § 5-622, OR § 5-628 OF THE CRIMINAL LAW ARTICLE; OR

(2) WHO HAS BEEN CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED UNDER § 14-101 OF THE CRIMINAL LAW ARTICLE, WITHIN THE PREVIOUS 5 YEARS.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:

(1) A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT SHALL BE CONSIDERED A NOLLE PROSEQUI UNDER THE MARYLAND RULES; AND

(2) A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT SHALL BE CONSIDERED A STET UNDER THE MARYLAND RULES, INCLUDING PROVISIONS FOR RESCHEDULING A TRIAL.

(C) (1) THE STATE'S ATTORNEY, ON REQUEST OF THE DEFENDANT OR ON THE STATE'S ATTORNEY'S OWN MOTION, MAY MAKE AN OFFER TO A DEFENDANT THAT IF THE DEFENDANT QUALIFIES FOR DRUG OR ALCOHOL TREATMENT THE STATE'S ATTORNEY SHALL DISMISS THE CHARGE BY ENTERING A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR MOVE THAT THE COURT INDEFINITELY POSTPONE TRIAL OF THE CHARGE BY MARKING THE CHARGE STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT ON THE DOCKET.

(2) IN ORDER TO QUALIFY FOR A NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR A STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT, A DEFENDANT SHALL BE EVALUATED FOR DRUG OR ALCOHOL ABUSE BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, A DESIGNEE OF THE DEPARTMENT, OR A PRIVATE PROVIDER UNDER REGULATIONS OF THE ALCOHOL AND DRUG ABUSE ADMINISTRATION AND THE EVALUATION SHALL DETERMINE WHETHER THE DEFENDANT IS AMENABLE TO TREATMENT AND, IF SO, RECOMMEND AN APPROPRIATE TREATMENT PROGRAM.

(3) THE DRUG OR ALCOHOL TREATMENT PROGRAM SHALL BE APPROVED UNDER REGULATIONS OF THE ALCOHOL AND DRUG ABUSE ADMINISTRATION.

(4) IF A DEFENDANT QUALIFIED UNDER THIS SECTION ACCEPTS AN OFFER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE DEFENDANT SHALL SIGN A WAIVER OF ANY RIGHTS THE DEFENDANT MAY HAVE UNDER LAW PROHIBITING DISCLOSURE OF RECORDS OF TREATMENT, THEREBY ALLOWING CONSENT TO THE DISCLOSURE OF SUCH TREATMENT INFORMATION AS MAY BE NECESSARY TO ALLOW THE DISCLOSURE OF THE DISPOSITION OF NOLLE PROSEQUI WITH THE REQUIREMENT OF DRUG OR ALCOHOL TREATMENT OR STET WITH THE REQUIREMENT OF DRUG OR ALCOHOL ABUSE TREATMENT TO CRIMINAL JUSTICE UNITS; AND

(II) ON SUCCESSFUL COMPLETION OF DRUG OR ALCOHOL