



# Maryland Chiefs of Police Association Maryland Sheriffs' Association



## MEMORANDUM

TO: The Honorable William C. Smith, Jr. Chairman and  
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee  
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee  
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 21, 2020

RE: **SB 498 Drunk and Drugged Driving – Testing - Warrants**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT SB 498. This bill would explicitly authorize law enforcement officers to seek a judicial warrant to require individuals suspected of drunk or drugged driving to submit to a test to determine the individual's alcohol, drug, or controlled dangerous substance content.

Under Criminal Procedure Article §1-203, a law enforcement officer may request a judge to issue a search warrant if there is probable cause to believe evidence of a crime may be discovered. Although driving while under the influence of alcohol, drugs, controlled dangerous substances, or a combination is a criminal offense, some judges have declined to issue search warrants. The explanation the judges provided was that §16-205.1 of the Transportation Article is the sole method to obtain a sample for testing alcohol or drug concentration.

SB 498 clarifies that a sample may be obtained through a judicially issued search warrant. Drunk and drugged driving is an extremely serious offense. This bill helps to ensure law enforcement has a valuable resource available to allow successful prosecution of those who have endangered the safety of all Marylanders.

For these reasons, MCPA and MSA SUPPORT SB 498 and urge a FAVORABLE Committee report.