### **HOUSE BILL 172**

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By: Delegate Hutchins	
Introduced and read first time: January 29, 1999	
Assigned to: Judiciary	
Committee Report: Favorable with amendments	
House action: Adopted	
Read second time: March 22, 1999	
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## CHAPTER\_\_\_\_

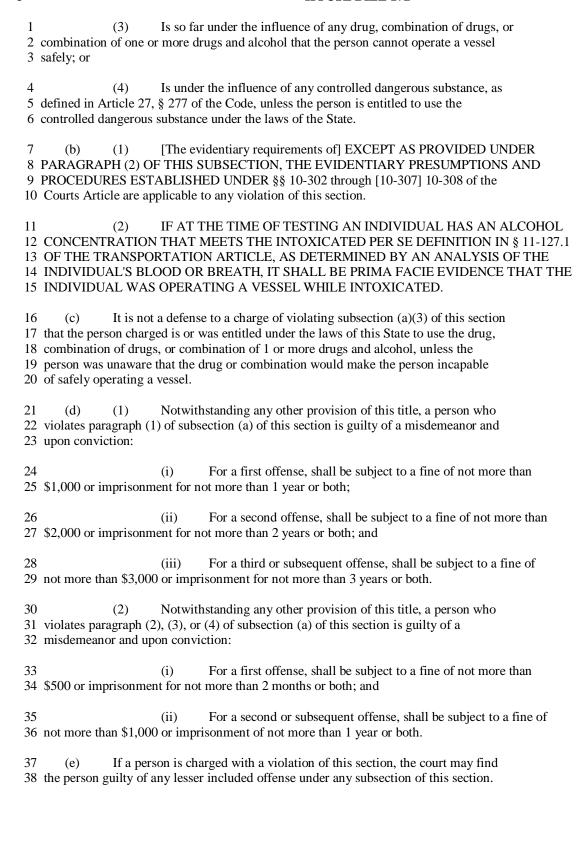
### 1 AN ACT concerning

# 2 Vessels - Operating While Under the Influence of Drugs or Alcohol

- 3 FOR the purpose of making the results of a test to determine the drug or controlled
- 4 dangerous substance content of a person's blood admissible as evidence in a
- 5 criminal case involving a violation of the prohibition against operating a vessel
- 6 while under the influence of any controlled dangerous substance or while so far
- 7 under the influence of any drug, combination of drugs, or combination of drugs
- 8 and alcohol that the person cannot operate a vessel safely; establishing that a
- 9 certain alcohol concentration, as determined by an analysis of the person's blood
- or breath, is prima facie evidence that the person was operating a vessel while
- intoxicated; making stylistic changes; and generally relating to the operation of
- vessels while under the influence of drugs, controlled dangerous substances, or
- 13 alcohol.
- 14 BY repealing and reenacting, with amendments,
- 15 Article Courts and Judicial Proceedings
- 16 Section 10-308
- 17 Annotated Code of Maryland
- 18 (1998 Replacement Volume)
- 19 BY repealing and reenacting, with amendments,
- 20 Article Natural Resources
- 21 Section 8-738
- 22 Annotated Code of Maryland
- 23 (1990 Replacement Volume and 1998 Supplement)

1 2	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
3	Article - Courts and Judicial Proceedings
4	10-308.
7 8 9	(a) The evidence of the analysis does not limit the introduction of other evidence bearing upon whether the defendant was intoxicated or whether the defendant was driving while under the influence of alcohol, while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely, or while under the influence of a controlled dangerous substance.
11 12	(b) The results of a test or tests to determine the drug or controlled dangerous substance content of a person's blood:
15 16	(1) Are admissible as evidence in a criminal trial only in a prosecution [under] FOR A VIOLATION OF § 21-902 of the Transportation Article, § 8-738 OF THE NATURAL RESOURCES ARTICLE, or [a violation of] Article 27, § 388, § 388A, or § 388B of the Code and only if other admissible evidence is introduced that creates an inference that the person was driving:
20	(I) <u>DRIVING</u> or attempting to drive while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while under the influence of a controlled dangerous substance; <u>OR</u>
24 25	(II) OPERATING OR ATTEMPTING TO OPERATE A VESSEL WHILE THE PERSON WAS SO FAR UNDER THE INFLUENCE OF ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE A VESSEL SAFELY, OR WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE; and
29	(2) Are not admissible in a prosecution other than a prosecution [under] FOR A VIOLATION OF § 21-902 of the Transportation Article, § 8-738 OF THE NATURAL RESOURCES ARTICLE, or [a violation of] Article 27, § 388, § 388A, or § 388B of the Code.
31	Article - Natural Resources
32	8-738.
33	(a) A person may not operate or attempt to operate a vessel while the person:
34	(1) Is intoxicated;
35	(2) Is under the influence of alcohol;

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- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 2 October 1, 1999.