
By: **Delegates Amedori, Barkley, Bartlett, Bronrott, Elliott, Getty, Hurson,
Kopp, Petzold, Snodgrass, Stern, Stocksdale, and Stull**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Refusal to Take Blood or Breath Test -**
3 **Inference or Presumption of Guilt or Innocence**

4 FOR the purpose of requiring the fact finder at a judicial proceeding to determine
5 whether any inference or presumption of guilt or innocence arises from a
6 driver's refusal to take a blood or breath test for alcohol or drugs; and generally
7 relating to any inference or presumption of guilt or innocence arising from a
8 driver's refusal to take a blood or breath test for alcohol or drugs.

9 BY repealing and reenacting, with amendments,

10 Article - Courts and Judicial Proceedings

11 Section 10-309(a)

12 Annotated Code of Maryland

13 (1998 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 10-309.

18 (a) (1) Except as provided in § 16-205.1(c) of the Transportation Article, a
19 person may not be compelled to submit to a test or tests provided for in this subtitle.
20 Evidence of a test or analysis is not admissible in a prosecution for a violation of §
21 21-902 of the Transportation Article if obtained contrary to its provisions.

22 (2) [No inference or presumption concerning either guilt or innocence
23 arises because of refusal to submit.] IT SHALL BE THE DUTY OF THE FACT FINDER TO
24 DETERMINE WHAT WEIGHT SHOULD BE GIVEN TO A REFUSAL TO SUBMIT TO A TEST
25 OR TESTS WITH RESPECT TO AN INFERENCE OR PRESUMPTION OF GUILT OR
26 INNOCENCE. The fact of refusal to submit is admissible in evidence at the trial
27 REGARDLESS OF ANY INFERENCE OR PRESUMPTION OF GUILT OR INNOCENCE.

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