
By: **Delegate Amedori**

Introduced and read first time: February 11, 2000

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Evidence - Refusal to Submit to Test**

3 FOR the purpose of clarifying that a refusal by a person to submit to certain tests that
4 may be administered for the purpose of determining the alcohol concentration or
5 the drug or controlled dangerous substance content of the person's blood is
6 admissible in prosecutions for certain alcohol or drug related driving offenses;
7 repealing a prohibition against an inference concerning guilt or innocence
8 arising because of a refusal to submit to certain tests; and generally relating to
9 the admissibility of a refusal to submit to certain tests in prosecutions for
10 certain alcohol or drug related driving offenses.

11 BY repealing and reenacting, without amendments,
12 Article - Courts and Judicial Proceedings
13 Section 10-301.1 and 10-302
14 Annotated Code of Maryland
15 (1998 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Courts and Judicial Proceedings
18 Section 10-309(a)
19 Annotated Code of Maryland
20 (1998 Replacement Volume and 1999 Supplement)

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

23 **Article - Courts and Judicial Proceedings**

24 10-301.1.

25 (a) In §§ 10-302 through 10-309 of this subtitle, the following words have the
26 meanings indicated.

27 (b) "Specimen of blood" and "1 specimen of blood" have the meaning stated in
28 § 16-205.1 of the Transportation Article.

1 (c) "Test" has the meaning stated in § 16-205.1 of the Transportation Article.
2 10-302.

3 In a prosecution for a violation of a law concerning a person who is driving or
4 attempting to drive a vehicle in violation of § 16-113, § 16-813, or § 21-902 of the
5 Transportation Article, or in violation of Article 27, § 388, § 388A, or § 388B of the
6 Code, a test of the person's breath or blood may be administered for the purpose of
7 determining alcohol concentration and a test or tests of 1 specimen of the person's
8 blood may be administered for the purpose of determining the drug or controlled
9 dangerous substance content of the person's blood.

10 10-309.

11 (a) (1) (I) Except as provided in § 16-205.1(c) of the Transportation
12 Article, a person may not be compelled to submit to a test or tests provided for in this
13 subtitle.

14 (II) Evidence of a test or analysis is not admissible in a prosecution
15 for a violation of § 21-902 of the Transportation Article if obtained contrary to its
16 provisions.

17 (2) (I) No [inference or] presumption concerning either guilt or
18 innocence arises because of refusal to submit TO A TEST OR TESTS.

19 (II) The fact of refusal to submit TO A TEST OR TESTS is admissible
20 in evidence at the trial.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2000.