
By: **Delegate Giannetti**

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 for**
3 **Alcohol, Drugs, or Controlled Dangerous Substances**

4 FOR the purpose of repealing a prohibition against an inference or presumption
5 concerning guilt or innocence arising because of a person's refusal to submit to a
6 certain test for alcohol, drugs, or controlled dangerous substances; and generally
7 relating to evidence of a person's refusal to submit to a certain test for alcohol,
8 drugs, or controlled dangerous substances in prosecutions of certain alcohol or
9 drug related driving offenses.

10 BY repealing and reenacting, with amendments,
11 Article - Courts and Judicial Proceedings
12 Section 10-309
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 1999 Supplement)

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

17 **Article - Courts and Judicial Proceedings**

18 10-309.

19 (a) (1) Except as provided in § 16-205.1(c) of the Transportation Article, a
20 person may not be compelled to submit to a test or tests provided for in this subtitle.
21 Evidence of a test or analysis is not admissible in a prosecution for a violation of §
22 21-902 of the Transportation Article if obtained contrary to its provisions.

23 (2) [No inference or presumption concerning either guilt or innocence
24 arises because of refusal to submit.] The fact of refusal to submit is admissible in
25 evidence at the trial.

26 (b) This section does not limit the provisions of the vehicle laws regarding the
27 consequences of refusal to submit to a test or tests.

1 (c) Nothing in this section precludes or limits the admissibility of evidence of
2 a test or analysis to determine the alcohol concentration of a person's blood or breath
3 in any prosecution other than for a violation of § 21-902 of the Transportation Article.

4 (d) Nothing in this section precludes or limits admissibility of evidence of a
5 test or analysis to determine the alcohol concentration of a person's blood or breath
6 which is obtained as provided in § 16-205.1(c) of the Transportation Article.

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