

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL NO. 592

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Jacobs” and substitute “Senators Jacobs and Forehand”; in line 4, strike “a police officer to direct”; in the same line, after the third “to” insert “a certain number of”; in line 5, after “tests” insert “as directed by a police officer”; in line 8, after “offenses;” insert “clarifying that the test used to determine if a person has been driving or attempting to drive in violation of certain alcohol- or drug-related driving offenses shall be a test of blood or both breath and blood under certain circumstances;”; strike beginning with the second “a” in line 9 down through “direct” in line 10; in line 10, strike the first “to”; after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-305(a)

Annotated Code of Maryland

(2002 Replacement Volume and 2003 Supplement)”;

in line 15, after “16-205.1(a)(1)(i)” insert “and (c)(2)”; and in line 20, strike “and (2)”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“Article - Courts and Judicial Proceedings

10-305.

(a) The type of test administered to the defendant to determine alcohol concentration shall be the test of breath except that the [test of blood shall be the] type of test administered [if] SHALL BE:

(Over)

(1) A TEST OF BLOOD IF:

(I) The defendant is unconscious or otherwise incapable of refusing to take a test to determine alcohol concentration;

[(2)] (II) Injuries to the defendant require removal of the defendant to a medical facility; [or]

[(3)] (III) The equipment for administering the test of breath is not available; OR

[(4)] (IV) THE DEFENDANT IS REQUIRED TO SUBMIT TO A TEST OF ONE SPECIMEN OF BLOOD UNDER § 16-205.1(C)(1)(II) OF THE TRANSPORTATION ARTICLE; OR

(2) BOTH A TEST OF THE PERSON'S BREATH AND A TEST OF ONE SPECIMEN OF THE PERSON'S BLOOD IF THE DEFENDANT IS REQUIRED TO SUBMIT TO BOTH A TEST OF THE PERSON'S BREATH AND A TEST OF ONE SPECIMEN OF THE PERSON'S BLOOD UNDER § 16-205.1(C)(1)(III) OF THE TRANSPORTATION ARTICLE."

AMENDMENT NO. 3

On page 2, in lines 12, 13, 18, 19, and 35, in each instance, strike the bracket; in line 18, strike "to a test"; in line 19, after "officer" insert ", TO A TEST OF"; strike in their entirety lines 20 through 34, inclusive, and substitute:

"(I) THE PERSON'S BREATH TO DETERMINE ALCOHOL CONCENTRATION;

(II) ONE SPECIMEN OF THE PERSON'S BLOOD, TO DETERMINE ALCOHOL CONCENTRATION OR TO DETERMINE THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF THE PERSON'S BLOOD; OR

(III) BOTH THE PERSON'S BREATH UNDER ITEM (I) OF THIS PARAGRAPH AND ONE SPECIMEN OF THE PERSON'S BLOOD UNDER ITEM (II) OF THIS PARAGRAPH."

in line 35, strike "THE"; and strike beginning with "TO" in line 36 down through "OFFICER" in line 37.