
By: **Senator Jacobs**
Introduced and read first time: February 6, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving - Death or Life Threatening Injury - Mandatory**
3 **Tests**

4 FOR the purpose of requiring a police officer to direct a person to submit to certain
5 tests if the person is involved in a motor vehicle accident that results in the
6 death of, or a life threatening injury to, another person and the police officer has
7 reasonable grounds to believe that the person has been driving or attempting to
8 drive in violation of certain alcohol- or drug-related driving offenses; providing
9 for the application of this Act; and generally relating to a requirement that a
10 police officer direct a person to submit to certain tests if the person is involved in
11 a motor vehicle accident that results in a death or life threatening injury under
12 certain circumstances.

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 16-205.1(a)(1)(i)
16 Annotated Code of Maryland
17 (2002 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 16-205.1(a)(1)(iv) and (c)(1) and (2)
21 Annotated Code of Maryland
22 (2002 Replacement Volume and 2003 Supplement)

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

25 **Article - Transportation**

26 16-205.1.

27 (a) (1) (i) In this section, the following words have the meanings
28 indicated.

1 (iv) "Test" means, UNLESS THE CONTEXT REQUIRES OTHERWISE:

2 1. A test of a person's breath or of 1 specimen of a person's
3 blood to determine alcohol concentration;

4 2. A test or tests of 1 specimen of a person's blood to
5 determine the drug or controlled dangerous substance content of the person's blood; or

6 3. Both:

7 A. A test of a person's breath or a test of 1 specimen of a
8 person's blood, to determine alcohol concentration; and

9 B. A test or tests of 1 specimen of a person's blood to
10 determine the drug or controlled dangerous substance content of the person's blood.

11 (c) (1) If a person is involved in a motor vehicle accident that results in the
12 death of, or a life threatening injury to, another person and [the person is detained
13 by] a police officer [who] has reasonable grounds to believe that the person has been
14 driving or attempting to drive while under the influence of alcohol, while impaired by
15 alcohol, while so far impaired by any drug, any combination of drugs, or a
16 combination of one or more drugs and alcohol that the person could not drive a vehicle
17 safely, while impaired by a controlled dangerous substance, or in violation of § 16-813
18 of this title[, the person shall be required to submit to a test, as directed by the
19 officer]:

20 (I) THE POLICE OFFICER SHALL DIRECT THAT THE PERSON
21 SUBMIT TO BOTH:

22 1. A TEST OF THE PERSON'S BREATH OR A TEST OF 1
23 SPECIMEN OF THE PERSON'S BLOOD, TO DETERMINE ALCOHOL CONCENTRATION;
24 AND

25 2. A TEST OR TESTS OF 1 SPECIMEN OF THE PERSON'S BLOOD
26 TO DETERMINE THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF
27 THE PERSON'S BLOOD; AND

28 (II) THE PERSON SHALL SUBMIT TO BOTH:

29 1. A TEST OF THE PERSON'S BREATH OR A TEST OF 1
30 SPECIMEN OF THE PERSON'S BLOOD, TO DETERMINE ALCOHOL CONCENTRATION;
31 AND

32 2. A TEST OR TESTS OF 1 SPECIMEN OF THE PERSON'S BLOOD
33 TO DETERMINE THE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT OF
34 THE PERSON'S BLOOD.

35 (2) [If a police officer directs that a person be tested, then the] THE
36 provisions of § 10-304 of the Courts and Judicial Proceedings Article shall apply TO
37 EACH TEST DIRECTED BY A POLICE OFFICER.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any motor vehicle accident that occurs before the
4 effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
6 effect October 1, 2004.