

HOUSE BILL 875

R3

9lr1707

By: **Delegates Sophocleus, Beidle, Bohanan, Boteler, Costa, DeBoy, Elmore, Holmes, Krebs, McComas, Riley, Robinson, Sossi, Stocksdale, Walkup, and Weldon**

Introduced and read first time: February 12, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Refusal to Take a Blood or Breath Test**
3 **– Prohibition**

4 FOR the purpose of prohibiting a person who is detained for certain alcohol– or
5 drug–related driving offenses from knowingly refusing to take a certain blood or
6 breath test if the person was detained previously for certain alcohol– or
7 drug–related driving offenses and refused to take a certain blood or breath test;
8 providing for certain criminal penalties; and generally relating to establishing a
9 criminal offense of refusal to take a certain blood or breath test under certain
10 circumstances.

11 BY adding to

12 Article – Transportation
13 Section 21–902.2 and 27–101(cc)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2008 Supplement)

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

18 **Article – Transportation**

19 **21–902.2.**

20 **A PERSON DETAINED FOR A SUSPECTED VIOLATION OF § 21–902 OF THIS**
21 **SUBTITLE MAY NOT KNOWINGLY REFUSE TO TAKE A TEST UNDER § 16–205.1 OF**
22 **THIS ARTICLE IF THE PERSON HAS BEEN DETAINED PREVIOUSLY FOR A**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SUSPECTED VIOLATION OF § 21-902 OF THIS SUBTITLE AND REFUSED TO TAKE
2 A TEST UNDER § 16-205.1 OF THIS ARTICLE.

3 27-101.

4 (CC) (1) A PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-902.2
5 OF THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
6 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

7 (2) THE PENALTIES IN THIS SUBSECTION ARE IN ADDITION TO
8 ANY OTHER PENALTY UNDER THIS TITLE IMPOSED FOR A VIOLATION OF §
9 21-902 OF THIS ARTICLE OR ANY ADDITIONAL PENALTY THAT MAY BE IMPOSED
10 UNDER SUBSECTION (X) OF THIS SECTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2009.