

# HOUSE BILL 316

R3  
HB 875/09 – JUD

0lr1600  
CF 0lr1556

By: **Delegates Sophocleus, Beidle, Bronrott, DeBoy, Eckardt, Frank, George, Hecht, Jones, Kaiser, Love, Niemann, Robinson, Shewell, and Stocksdale**

Introduced and read first time: January 27, 2010

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(dd)  
14 Annotated Code of Maryland  
15 (2009 Replacement Volume and 2009 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**  
23 **SUSPECTED VIOLATION OF § 21–902 OF THIS SUBTITLE AND REFUSED TO TAKE**  
24 **A TEST UNDER § 16–205.1 OF THIS ARTICLE.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 27-101.

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

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

9           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2010.