

HOUSE BILL 757

R3

7lr1137

By: **Delegate Dumais**

Introduced and read first time: February 2, 2017

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence – Violation of Ignition Interlock System Requirement**

3 FOR the purpose of providing for the admissibility of a certain report of an approved service
4 provider in a criminal proceeding to prove a violation of a certain requirement
5 imposed by a court that the defendant use an ignition interlock system; defining
6 certain terms; and generally relating to the admissibility of a certain report of an
7 approved service provider of an ignition interlock system.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10–313

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2016 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Transportation

15 Section 16–404.1(a)(2)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

21 **10–313.**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “APPROVED SERVICE PROVIDER” HAS THE MEANING STATED IN §**
 2 **16-404.1(A) OF THE TRANSPORTATION ARTICLE.**

3 **(3) “IGNITION INTERLOCK SYSTEM” MEANS A DEVICE THAT:**

4 **(I) CONNECTS A MOTOR VEHICLE IGNITION SYSTEM TO A**
 5 **BREATH ANALYZER THAT MEASURES A DRIVER’S BLOOD ALCOHOL LEVEL; AND**

6 **(II) PREVENTS A MOTOR VEHICLE IGNITION FROM STARTING IF**
 7 **A DRIVER’S BLOOD ALCOHOL LEVEL EXCEEDS THE CALIBRATED SETTING ON THE**
 8 **DEVICE.**

9 **(B) A REPORT BY AN APPROVED SERVICE PROVIDER TO THE DIVISION OF**
 10 **PAROLE AND PROBATION OF THE RESULTS OF MONITORING THE USE OF AN**
 11 **IGNITION INTERLOCK SYSTEM SHALL BE ADMISSIBLE IN A CRIMINAL PROCEEDING**
 12 **TO PROVE A VIOLATION OF A REQUIREMENT IMPOSED BY A COURT THAT THE**
 13 **DEFENDANT USE AN IGNITION INTERLOCK SYSTEM AS A SENTENCE, PART OF A**
 14 **SENTENCE, OR CONDITION OF PROBATION FOR A VIOLATION OF:**

15 **(1) § 21-902(A) (“DRIVING WHILE UNDER THE INFLUENCE OF**
 16 **ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER SE”) OF THE**
 17 **TRANSPORTATION ARTICLE; OR**

18 **(2) § 21-902(B) (“DRIVING WHILE IMPAIRED BY ALCOHOL”) OF THE**
 19 **TRANSPORTATION ARTICLE.**

20 **Article – Transportation**

21 16-404.1.

22 (a) (2) “Approved service provider” means a person who is certified by:

23 (i) The Administration to service, install, monitor, calibrate, and
 24 provide information on ignition interlock systems; and

25 (ii) A manufacturer to be qualified to service, install, monitor,
 26 calibrate, and provide information on ignition interlock systems.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 28 October 1, 2017.