HB 114

Department of Legislative Services

Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 114 (Delegate Allen)
Judiciary

Motor Vehicles - Accidents - Required Testing for Impaired Driving (Mateo's Law)

This bill requires any person involved in a motor vehicle accident that results in the death of, or life-threatening injury to, another person to submit to breath and blood testing for potential alcohol and/or drug impairment. (Under current law, a person in these circumstances is only required to submit to breath and/or blood testing if the person is detained by a police officer who has reasonable grounds to believe that the person has been driving while under the influence of alcohol, impaired by alcohol and/or drugs, or impaired by a controlled dangerous substance (CDS)).

Fiscal Summary

State Effect: Under one set of assumptions, general fund expenditures increase by $1,295,000 in FY 2027 for the Department of State Police (DSP) to conduct additional testing, as discussed below. Future years reflect annualization, inflation, and ongoing operating costs. Potential minimal increase in general fund revenues from fines imposed in District Court cases generated by the bill.

(in dollars)	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031
Revenues	$0	$0	$0	$0	$0
GF Expenditure	1,295,000	1,711,700	1,737,400	1,763,400	1,789,700
Net Effect	($1,295,000)	($1,711,700)	($1,737,400)	($1,763,400)	($1,789,700)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Potential minimal increase in local revenues from fines imposed in the circuit courts. Potential minimal increase in local expenditures to process additional blood tests for alcohol and drug content.

Small Business Effect: Minimal.

Analysis

Current Law: A person who drives or attempts to drive a motor vehicle is deemed to have consented to take a test of breath or blood, or both, if the person is detained by a police officer on suspicion of committing an alcohol- and/or drug-related driving offense. However, a person must submit to this testing, as directed by a police officer, if the person is involved in a motor vehicle accident that results in death or life-threatening injury to another and the police officer detains the person due to a reasonable belief that the person was driving or attempting to drive while under the influence of alcohol, under the influence of alcohol *per se*, impaired by alcohol and/or drugs, or impaired by a CDS.

If a police officer directs that a person be tested, then the test must be administered by qualified personnel who comply with the testing procedures specified in statute. Medical personnel who perform the required tests are not liable for civil damages from administering the tests, unless gross negligence is proved.

However, as mentioned previously, a person may not be compelled to submit to a test to determine the alcohol or drug concentration of their blood or breath unless they are involved in a motor vehicle accident that results in death or a life-threatening injury to another and detained by a police officer on reasonable belief that they were potentially impaired by alcohol and/or drugs. In *Birchfield v. North Dakota*, 136 S. Ct. 2160 (2016), the U.S. Supreme Court determined that, absent exigent circumstances, a blood test cannot be administered without the consent of a suspected drunk driver unless a search warrant is obtained. Additionally, in *Missouri v. McNeely*, 569 U.S. 141 (2013), the U.S. Supreme Court held that the natural dissipation of alcohol from a suspected drunk driver's blood does not create a *per se* exigency; exigent circumstances must be evaluated on a case-by-case basis based on a totality of the circumstances.

A police officer who stops a driver with reasonable grounds to believe that a violation of alcohol- and/or drug-related driving provisions has taken place must detain the person and request the person to take a test. The police officer must advise the person of the administrative sanctions that must be imposed for refusal to take a test and notice and hearing procedures. For a test refusal, an offender's license or driving privilege must be suspended by the Motor Vehicle Administration for 270 days for a first offense and two years for a second or subsequent offense. A person operating a commercial vehicle who refuses to take a test for alcohol or drug concentration is subject to more stringent administrative sanctions. No modification of the license suspension is permitted for a refusal, unless the driver participates in the Ignition Interlock System Program for at least one year.

A police officer is required to advise a person detained on suspicion of an alcohol- and/or drug-related driving offense of the additional criminal penalties that may be imposed if the

person is convicted of an alcohol- and/or drug-related driving offense and knowingly refused to take a test requested at the time of the suspected violation. If a person is convicted of an alcohol- and/or drug-related driving offense and the trier of fact finds beyond a reasonable doubt that the person knowingly refused to take the requested test, the person is subject to a penalty in addition to any other penalty that may be imposed for the alcohol- and/or drug-related driving conviction. A person who knowingly refuses to take a test of blood or breath under these circumstances is subject to maximum penalties of imprisonment for two months and/or a fine of $500. The court may not impose the additional penalty unless the State's Attorney serves notice of the alleged test refusal on the defendant or the defendant's counsel before acceptance of a guilty plea or within specified timeframes before a trial in a circuit court or the District Court.

State Revenues: General fund revenues may increase minimally to the extent that the expansion of blood and breath testing required by the bill leads to additional fines being imposed in the District Court for drunk or drugged driving offenses.

State Expenditures: Using one set of assumptions, general fund expenditures increase by $1,295,049 in fiscal 2027, reflecting the cost for DSP to (1) hire staff to conduct the additional testing required under the bill and (2) procure additional blood kits and testing supplies. Any other impacts on units of State government from the bill can be absorbed with existing budgeted resources.

Department of State Police

Under the bill, every driver involved in a vehicle accident that results in the death of or serious injury to another person must submit to a test of breath and a test of blood. The bill applies this requirement regardless of whether a police officer has reasonable grounds to believe that the driver committed an alcohol- and/or drug-related driving offense.

According to DSP, there were 29,378 injury crashes in the State during calendar 2024 (the most recent calendar year for which finalized data is available). DSP notes that 556 of those crashes resulted in fatalities and estimates that 2,900 involved serious injuries. DSP advises that, as the State entity that is responsible for testing all blood kits related to drunk and drugged driving, it tested 464 blood kits in calendar 2025. DSP further advises that of that total, 27 kits were linked to arrests for drunk or drugged driving that involved a fatal or life-threatening vehicle crash.

DSP anticipates that the bill's changes significantly increase the number of blood tests it must complete. Assuming that there are two drivers involved in each accident who must be tested, it is estimated that testing would be required for 6,912 individuals. However, DSP advises that a significant number of those individuals are likely to refuse a blood test. Assuming a refusal rate of 45% (which approximately corresponds to the percentage of

individuals who refuse to take a breath or blood test when arrested for drunk or drugged driving in Maryland), it is estimated that approximately 3,775 additional blood tests would be required each year as a result of the bill after accounting for existing testing.

DSP advises that, assuming this approximate quantity of additional tests are required annually, it would need to hire five forensic scientists to perform additional blood tests. However, until a true workflow is established, and DSP has some actual experience under the bill, DSP advises that it must initially hire two forensic scientists to handle the increased workload that the bill places on the State crime lab. Additionally, DSP advises that each blood kit costs $17 and testing supplies to process each blood test cost $370. According to DSP, any additional breath tests it must perform under the bill result in only an operational, rather than fiscal, impact.

The Department of Legislative Services advises that given several factors (*e.g.*, accidents involving multiple vehicles, the refusal rate for drivers who present no indication of alcohol or drug use, etc.), the actual number of additional blood tests DSP must conduct under the bill cannot be determined without actual experience under the bill. However, assuming that the assumptions and scenario described above are a close approximation of required testing under the bill, general fund expenditures for DSP increase by $1,295,049 in fiscal 2027, which accounts for the bill's October 1, 2026 effective date. This estimate reflects the cost of DSP hiring two full-time forensic scientists to conduct additional blood testing and includes salaries, fringe benefits, one-time start-up costs, costs for blood testing kits and testing supplies, and ongoing operating expenses.

Positions	2.0
Salaries and Fringe Benefits	$181,189
Blood Testing Kits and Testing Supplies	1,095,578
Operating Expenses	18,282
FY 2027 DSP Expenditures	**$1,295,049**

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

As noted above, costs associated with testing kits vary based on actual experienced testing volume. Additional general fund expenditures are incurred if DSP determines that more than two forensic scientists are required based on established workflow and actual testing volume. Should DSP require additional resources beyond the positions and supplies in this estimate, the department can request funding for those resources through the annual budget process.

Judiciary

The Judiciary anticipates that the bill's expansion of mandatory breath and blood testing will result in an increase the number of violations (charges) filed in the District Court related to alcohol and drug impairment; however, the Judiciary advises that any increase in its workload as a result of the bill is not expected to be significant. Accordingly, the Judiciary can absorb any impact from the bill's changes using existing budgeted resources.

Office of Administrative Hearings

The Office of Administrative Hearings (OAH) advises that the bill may increase the number of individuals subject to administrative penalties, including points assessments and orders requiring the use of ignition interlock devices. According to OAH, it can handle any increase in its caseload resulting from the bill with existing resources.

Local Revenues: Local revenues may increase minimally should expanded testing under the bill lead to additional fines in circuit court cases for drunk or drugged driving offenses.

Local Expenditures: Expenditures may increase minimally to the extent that local police departments purchase more blood kits and process additional blood tests for alcohol and drug content due to the bill's changes. The bill is not expected to materially affect local incarceration expenditures. Harford and Montgomery counties advise that the bill's provisions do not materially affect their finances or operations.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See SB 565 and HB 1486 of 2025.

Designated Cross File: SB 110 (Senator Charles) - Judicial Proceedings.

Information Source(s): Harford and Montgomery counties; Judiciary (Administrative Office of the Courts); Department of State Police; Maryland Department of Transportation; Office of Administrative Hearings; Department of Legislative Services

Fiscal Note History: First Reader - January 19, 2026
sj/aad

Analysis by: Ralph W. Kettell

Direct Inquiries to:
(410) 946-5510
(301) 970-5510