



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable Luke Clippinger, Chairman and
Members of the Judiciary Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: February 26, 2020

RE: **HB 808 Drugged Driving – Oral Fluid Tests – Pilot Program**

POSITION: SUPPORT

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) SUPPORT HB 808. This bill would establish a pilot program to examine the testing of oral fluid samples by police officers who are drug recognition experts to determine whether an individual is operating a motor vehicle while impaired by a controlled dangerous substance.

The intent of HB 808 is to assist law enforcement in determining whether oral fluid testing is feasible and accurate to determine whether a driver is driving under the influence of alcohol or drugs. Currently, blood tests are used for this determination. However, these take time and can be costly. Further, the U.S. Supreme Court held in its *BIRCHFIELD v. NORTH DAKOTA* decision that a search warrant is necessary to obtain a blood specimen in many circumstances. This can delay the acquisition of the specimen and thus permit any drugs in an offender's system to metabolize to an undetectable level. This is particularly salient in cases of cannabis impaired driving since THC so rapidly metabolizes.

Oral fluid testing could be a cost beneficial, timelier viable alternative for determining whether an individual is operating a motor vehicle while impaired by a controlled dangerous substance. Conducting this pilot will assist law enforcement in making this assessment.

Despite the best efforts of our legislators, law enforcement, and judicial system, Maryland continues to experience catastrophic motor vehicle collisions caused by those who choose to drive while impaired by alcohol and/or drugs. HB 808 will establish a pilot program to assess the evolving scientific technologies that may assist law enforcement efforts, increase highway safety and save lives.

For these reasons, MCPA and MSA SUPPORT HB 808 and URGE a FAVORABLE Committee Report.

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