

Bill Number: SB 559

**Edward J. Coyne, Deputy State's Attorney for Carroll County
SUPPORT**

WRITTEN TESTIMONY OF EDWARD J. COYNE,
DEPUTY STATE'S ATTORNEY FOR CARROLL COUNTY
IN SUPPORT OF SENATE BILL 559
DRUNK & DRUGGED DRIVING- TESTING- WARRANTS

I write in support SB 559 because it clarifies existing law to permit Courts to issue search warrants for the blood of suspected drunk or drugged drivers. The Fourth Amendment to the United States Constitution and case law from the U.S. Supreme Court spell out that search warrants are the preferred method of obtaining evidence. Consent is one of the widely accepted alternatives to the preference for search warrants. Transportation Article §16-205.1 and Courts Article § 10-309 cover the implied consent law for obtaining and admitting the chemical test evidence in drunk and drugged driving cases. Even though consent is a permissible alternative to a search warrant, it should not be a limitation on law enforcement that prohibits law enforcement from obtaining a search warrant from a neutral judge in drunk or drugged driving cases. The Attorney General's Office issued a confidential opinion on the matter that is consistent with this legislation but suggested this legislation to clarify the law. This bill would clarify and put to rest any confusion about whether the existing implied consent law limits the ability of law enforcement to obtain a search warrant from a Judge to get evidence from a suspected drunk or drugged driver.

The Carroll County State's Attorney's Office joins the Maryland State's Attorneys' Association in requesting that this committee give SB 559 a favorable review.