

Bill Number: HB 1385

**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 HOUSE BILL 1385:
DRUNK AND DRUGGED DRIVING-WARRANTS AND
AUTHORIZED POLICE OFFICERS

I write in support HB 1385 because it would clarify existing law as it pertains to law enforcement officers getting search warrants for a blood sample in DUI cases and it would also permit additional police officers to request a blood sample from suspected 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. HB 1385 clarifies any confusion that the implied consent law might limit the ability of law enforcement to obtain a search warrant from a neutral judge to get evidence from a suspected drunk or drugged driver.

Over the last several years, there has been an average of almost 150 fatal collisions per year as a result of drunk or drugged driving in Maryland. Under the Current Law, only a Drug Recognition Expert (DRE) is permitted to request consent for a blood sample for drugs from a suspected drug impaired driver. Under HB1385,

additional officers, who have completed training under the Advanced Roadside Impairment Driving Enforcement (ARIDE) course, would also be permitted to request consent from a suspected drug impaired driver for a blood sample to test for drugs. There are only 181 DREs in the State of Maryland and DREs can't respond to every case where there is a suspected drugged driver. There are over 1000 ARIDE certified officers throughout the State of Maryland and this bill would expand the number of permitted officers who could request a blood sample from suspected drug impaired drivers. The blood sample is critical objective evidence to show whether a suspect was driving while impaired by drugs. This bill would increase public safety and justice by permitting more officers to request blood samples from suspected drug impaired drivers.

The Carroll County State's Attorney's Office joins the Maryland State's Attorneys' Association in requesting that this committee give HB 1385 a favorable review.