

ENTITLED TO AND DEMANDS A JURY TRIAL, OR APPEALS FROM THE DISTRICT COURT TO A CIRCUIT COURT, THE STATE IS NOT REQUIRED TO FILE A SECOND NOTICE.

(IV) 1. IF THE DEFENDANT DESIRES THE QUALIFIED MEDICAL PERSON TO BE PRESENT AND TESTIFY AT TRIAL, THE DEFENDANT SHALL NOTIFY THE COURT AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

2. IF THE DISTRICT COURT IS DEPRIVED OF JURISDICTION UNDER CIRCUMSTANCES IN WHICH A DEFENDANT IS ENTITLED TO AND DEMANDS A JURY TRIAL, OR APPEALS FROM THE DISTRICT COURT TO A CIRCUIT COURT, THE DEFENDANT SHALL NOTIFY THE CIRCUIT COURT AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

3. IF THE TIMELY AND PROPER NOTICE REQUIRED UNDER THIS SUBPARAGRAPH IS PROVIDED BY THE DEFENDANT, THE CERTIFIED STATEMENT IS INADMISSIBLE WITHOUT THE TESTIMONY OF THE QUALIFIED MEDICAL PERSON.

4. FAILURE TO GIVE THE TIMELY AND PROPER NOTICE CONSTITUTES A WAIVER OF THE DEFENDANT'S RIGHT TO THE PRESENCE AND TESTIMONY OF THE QUALIFIED MEDICAL PERSON.

(2) The test of blood shall be conducted by a qualified person using equipment approved by the toxicologist under the Postmortem Examiners Commission in a laboratory approved by the toxicologist.

(d) (1) For the purpose of establishing that the test of breath or blood was administered with equipment approved by the toxicologist under the Postmortem Examiners Commission, a statement signed by the toxicologist certifying that the equipment used in the test has been approved by him shall be prima facie evidence of the approval, and the statement is admissible in evidence without the necessity of the toxicologist personally appearing in court.

(2) (i) If a defendant desires the toxicologist to be present and testify at trial as a witness, the defendant shall file a request for a subpoena for the toxicologist at least 20 days before the trial in the appropriate court.

(ii) If the District Court is deprived of jurisdiction under circumstances in which a defendant is entitled to and demands a jury trial, or appeals from the District Court to the circuit court, another subpoena must be filed at least 20 days before the trial in the circuit court.

~~(iii) If a trial date is postponed for any reason, the defendant must file a new subpoena for the toxicologist.~~

(III) IF A TRIAL DATE IS POSTPONED FOR ANY REASON BEYOND 30 DAYS FROM THE TRIAL DATE FOR WHICH THE SUBPOENA WAS