

any criminal trial in which a violation of § 16-113(a)(2), § 16-813, or § 21-902 of the Transportation Article, ~~a violation of 49 CFR 392.5~~, or a violation of Article 27, § 388 or § 388A of the Code is ~~an issue~~ CHARGED OR IS AN ISSUE, a copy of a report of the results of a test of breath or blood TO DETERMINE ALCOHOL CONCENTRATION signed by the technician or analyst who performed the test, is admissible as substantive evidence without the presence or testimony of the technician or analyst who performed the test.

(II) SUBJECT TO THE PROVISIONS OF § 10-308(B) OF THIS SUBTITLE AND PARAGRAPH (2) OF THIS SUBSECTION, IN ANY CRIMINAL TRIAL IN WHICH A VIOLATION OF § 21-902(C) OR § 21-902(D) OF THE TRANSPORTATION ARTICLE § 21-902 OF THE TRANSPORTATION ARTICLE OR A VIOLATION OF ARTICLE 27, § 388 OR § 388A OF THE CODE IS CHARGED, A COPY OF A REPORT OF THE RESULTS OF A TEST OR TESTS OF BLOOD TO DETERMINE DRUG OR CONTROLLED DANGEROUS SUBSTANCE CONTENT SIGNED BY THE TECHNICIAN OR ANALYST WHO PERFORMED THE TEST, IS ADMISSIBLE AS SUBSTANTIVE EVIDENCE WITHOUT THE PRESENCE OR TESTIMONY OF THE TECHNICIAN OR ANALYST WHO PERFORMED THE TEST.

(2) To be admissible under paragraph (1) of this subsection, the report ~~must~~ SHALL:

(i) Identify the technician or analyst as a "qualified person", as defined in Section § 10-304 of this subtitle;

(ii) State that the test was performed with equipment approved by the toxicologist under the Postmortem Examiners Commission at the direction of a police officer; and

(iii) State that the result of the test is as stated in the report.

(b) (1) (i) Test results which comply with the requirements of subsection (a) of this section are admissible as substantive evidence without the presence or testimony of the technician OR ANALYST who administered the test. However, if the State decides to offer the test results without the testimony of the technician OR ANALYST, it shall, at least 30 days before trial, notify the defendant or his attorney in writing of its intention and deliver to the defendant or his attorney a copy of the test results to be offered.

(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, the State is not required to file a second notice.

(2) (i) If the defendant desires the technician OR ANALYST 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.

(ii) If the District Court is deprived of jurisdiction under