

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 10-302, 10-306, and 10-307
Annotated Code of Maryland
(1989 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16-205.1
Annotated Code of Maryland
(1987 Replacement Volume and 1989 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Courts and Judicial Proceedings

10-302.

In a prosecution for a violation of a law concerning a person who is driving or attempting to drive a vehicle in violation of § 16-113 [or], § 16-813, OR § 21-902 of the Transportation Article, or in violation of Article 27, § 388 or § 388A of the Code, a test of the person's breath or blood may be administered for the purpose of determining [the] alcohol concentration [of the person's body].

10-306.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any criminal trial in which a violation of § 16-113(a)(2) [or], § 16-813, OR § 21-902 of the Transportation Article, or a violation of Article 27, § 388 or § 388A of the Code is an issue, a copy of a report of the results of a test of breath or blood 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:

(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 who administered the test. However, if the State decides to offer the test results without the testimony of the technician, it shall, at least 30 days before trial,