

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 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 circumstances in which a defendant is entitled to and demands a jury trial, or appeals from the District Court to the circuit court, the defendant shall notify the court and the State in writing no later than 20 days before trial.

(iii) If a postponement is granted in a District Court or circuit court, the defendant shall notify the court in writing no later than 20 days before the new trial date.

(iv) If such timely and proper notice is given, the test results are inadmissible without the testimony of the technician.

(3) Failure to give timely and proper notice constitutes a waiver of the defendant's right to the presence and testimony of the technician.

10-307.

(a) (1) In a proceeding in which a person is charged with a violation of ARTICLE 27, § 388 or § 388A of [Article 27] THE CODE, or with driving or attempting to drive a vehicle in violation of [§ 21-902 or] § 16-113(a)(2), § 16-813, OR § 21-902 of the Transportation Article, the amount of alcohol in the person's breath or blood shown by analysis as provided in this subtitle is admissible in evidence and has the effect set forth in subsections (b) through (e) of this section.

(2) Alcohol concentration as used in this section shall be measured by:

- (i) Grams of alcohol per 100 milliliters of blood; or
- (ii) Grams of alcohol per 210 liters of breath.

(b) If [there was in the person's blood] at the time of testing A PERSON HAS an alcohol concentration of 0.05 or less, as determined by an analysis of the person's blood or breath, it shall be presumed that the defendant was not intoxicated and that the defendant was not driving while under the influence of alcohol.

(c) If at the time of testing a person has an alcohol concentration of more than 0.05 but less than 0.07, as determined by an analysis of the person's blood or breath, this fact may not give rise to any presumption that the defendant was or was not intoxicated or that the defendant was or was not driving while under the influence of alcohol, but