

COURT.

(F) DATE OF CERTIFICATE.

NOTHING IN THIS SECTION PRECLUDES THE RIGHT TO INTRODUCE ANY OTHER COMPETENT EVIDENCE BEARING UPON THE DATE OF THE CERTIFICATE OR CHANGE IN THE EQUIPMENT SINCE THE DATE OF THE CERTIFICATE.

REVISOR'S NOTE: This section is new language derived from a portion of Art. 35, §100(a), and all of §§ 100(d), 100(e), and 100(g).

These provisions deal with the subject of administering the chemical test by the personnel and the equipment to be used. The section is subdivided for ease in usage. Language and style changes are made.

SEC. 10-305. RIGHT TO SELECT TYPE OF TEST.

THE DEFENDANT MAY SELECT THE TYPE OF TEST ADMINISTERED, AND IF FACILITIES OR EQUIPMENT ARE NOT AVAILABLE FOR THAT TEST THEN NONE MAY BE GIVEN, AND THIS FACT DOES NOT CREATE AN INFERENCE OR PRESUMPTION CONCERNING EITHER HIS GUILT OR INNOCENCE BY REASON OF HIS INABILITY TO TAKE A TEST. THE FACT OF HIS INABILITY TO TAKE A TEST IS NOT ADMISSIBLE IN EVIDENCE AT HIS TRIAL, AND THIS FACT MAY NOT BE CONSIDERED A REFUSAL TO TAKE A TEST UNDER THE VEHICLE LAWS.

REVISOR'S NOTE: This section is new language derived from Art. 34, §100(c). A portion of it is placed here as a logical provision.

SEC. 10-306. TEST RESULTS AVAILABLE TO ACCUSED.

UPON REQUEST, THE RESULTS OF THE TEST SHALL BE MADE AVAILABLE TO THE PERSON TESTED BEFORE TRIAL BY AN OFFICIAL CERTIFICATE WHICH IS ADMISSIBLE IN EVIDENCE.

REVISOR'S NOTE: This section is new language derived from Art. 35, §100(f). Language and style changes are made.

SEC. 10-307. CHEMICAL ANALYSIS.

(A) RESULTS OF ANALYSIS AND PRESUMPTIONS.

IN A PROCEEDING IN WHICH A PERSON IS CHARGED WITH DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF