

trials without the presence of the person administering the test under certain conditions; providing for notice to the defendant, and delivery of a copy of the test results within a certain time; providing for the defendant's right to demand the presence of the technician at trial; providing that failure to notify the court constitutes a waiver by the defendant of his right to have the technician present at trial; and relating generally to the admissibility of chemical tests for intoxication and impairment due to the consumption of alcohol.

BY repealing

Article - Courts and Judicial Proceedings  
Section 10-306  
Annotated Code of Maryland  
(1974 Volume and 1978 Supplement)

BY adding to

Article - Courts and Judicial Proceedings  
Section 10-306  
Annotated Code of Maryland  
(1974 Volume and 1978 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article - Courts and Judicial Proceedings

10-306.

[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.]

(A) SUBJECT TO THE PROVISIONS OF SUBSECTION (B), IN ANY CRIMINAL TRIAL IN WHICH INTOXICATION OR IMPAIRMENT DUE TO THE CONSUMPTION OF ALCOHOL IS AN ISSUE, AN OFFICIAL COPY OF THE RESULTS OF A CHEMICAL TEST OF BREATH OR BLOOD ADMINISTERED BY A PERSON AUTHORIZED TO ADMINISTER THE TEST, IS ADMISSIBLE AS SUBSTANTIVE EVIDENCE WITHOUT THE PRESENCE OR TESTIMONY OF THE TECHNICIAN WHO ADMINISTERED THE TEST.

(B) IF THE STATE DECIDES TO OFFER THE TEST RESULTS WITHOUT THE TESTIMONY OF THE TECHNICIAN, IT SHALL, AT LEAST 15 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. IF THE DEFENDANT DESIRES THE TECHNICIAN TO BE PRESENT AND TESTIFY AT TRIAL, HE SHALL NOTIFY THE COURT AND THE STATE IN WRITING NO LATER THAN 5 BUSINESS DAYS BEFORE TRIAL; AND IF SUCH TIMELY AND PROPER NOTICE IS GIVEN, THE TEST RESULTS ARE