

Article - Courts and Judicial Proceedings
 Section 10-302 and 10-309
 Annotated Code of Maryland
 (1980 Replacement Volume and 1981 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article --- Transportation
 Section 16-205.1 (a)
 Annotated Code of Maryland
 (1977 Volume and 1981 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland read(s) 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 § 21-902 of the Transportation Article, OR WHO HAS VIOLATED ARTICLE 27, § 388A OF THE CODE, a chemical test of his breath or blood may be administered to the person for the purpose of determining the alcohol content of his blood.~~

10-309.

(a) A person may not be compelled to submit to a chemical analysis provided for in this subtitle. ~~-(Evidence)- EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EVIDENCE~~ of chemical analysis is not admissible IN A PROSECUTION FOR A VIOLATION OF SECTION 21-902 OF THE TRANSPORTATION ARTICLE if obtained contrary to its provisions. No inference or presumption concerning either guilt or innocence arises because of refusal to submit. The fact of refusal to submit is not admissible in evidence at the trial.

(b) This subsection does not limit the provisions of the vehicle laws regarding the consequences of refusal to submit to a chemical test or tests.

~~(C) -- NOTWITHSTANDING AN ABSENCE OF COMPLIANCE WITH § 10-305 OF THIS SUBTITLE, EVIDENCE OF CHEMICAL ANALYSIS IS ADMISSIBLE IN THE PROSECUTION OF A PERSON FOR A VIOLATION OF ARTICLE 27, § 388A OF THE CODE IF THERE HAS BEEN COMPLIANCE WITH THE OTHER PROVISIONS OF THIS SUBTITLE.~~

(C) NOTHING IN THIS SECTION PRECLUDES OR LIMITS THE ADMISSIBILITY OF EVIDENCE OF CHEMICAL ANALYSIS IN ANY