

~~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 § 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-THE-SUBTITLE-~~

(C) NOTHING IN THIS SECTION PRECLUDES OR LIMITS THE ADMISSIBILITY OF EVIDENCE OF CHEMICAL ANALYSIS IN ANY PROSECUTION OTHER THAN FOR A VIOLATION OF § 21-902 OF THE TRANSPORTATION ARTICLE.

~~Article---Transportation~~

~~16-205-1-~~