

## CHAPTER 638

(House Bill 636)

AN ACT concerning

## Chemical Test for Alcohol - Admissibility

FOR the purpose of providing that a report of the results of a chemical test for alcohol is admissible without the presence or testimony of the person who performed the test if the report contains certain information; and generally relating to admissibility of the results of chemical tests for alcohol.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings  
Section 10-306  
Annotated Code of Maryland  
(1980 Replacement Volume and 1983 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

## Article - Courts and Judicial Proceedings

10-306.

(a) [Subject to the provisions of subsection (b), in] (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, IN any criminal trial in which intoxication due to the consumption of alcohol, or being under the influence of alcohol, is an issue, [an official] A copy of A REPORT OF the results of a chemical test of breath or blood [administered by a person authorized to administer the test] SIGNED BY THE TECHNICIAN OR ANALYST WHO PERFORMED THE TEST, is admissible as substantive evidence without the presence or testimony of the technician OR ANALYST who [administered] PERFORMED the test.

(2) TO BE ADMISSIBLE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE REPORT MUST:

(I) IDENTIFY THE TECHNICIAN OR ANALYST AS A "QUALIFIED PERSON", AS DEFINED IN SECTION 10-304 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE;

(II) STATE THAT THE TEST WAS PERFORMED WITH EQUIPMENT APPROVED BY THE TOXICOLOGIST UNDER THE POSTMORTEM EXAMINERS COMMISSION AT THE DIRECTION OF A POLICE OFFICER; AND