

Governor

House Bill No. 757

AN ACT concerning

Chemical Test for Alcohol - Refusal - Admissibility

FOR the purpose of ~~eliminating--the--provision--of--law--which provides--that--no--inference--or--presumption--of--guilt--arises from--refusal--to--submit--to--a--chemical--test--for--alcohol;~~ providing that evidence of refusal to submit to a chemical test for alcohol is admissible at a trial for violation of certain motor vehicle laws; ~~and--generally--relating--to consequences--arising--from--a--person's--refusal--to--submit--to--a chemical--test--for--alcohol.~~

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings
Section 10-309
Annotated Code of Maryland
(1984 Replacement Volume and 1985 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

10-309.

(a) Except as provided in § 16-205.1(c) of the Transportation Article, a person may not be compelled to submit to a chemical analysis provided for in this subtitle. 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) 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.

(d) Nothing in this section precludes or limits admissibility of evidence of chemical analysis which is obtained as provided in § 16-205.1(c) of the Transportation Article.