

(b) (1) (I) Test results which comply with the requirements of subsection (a) of this section are admissible as substantive evidence without the presence or testimony of the technician who administered the test. However, if the State decides to offer the test results without the testimony of the technician, it shall, at least [20] 30 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.

(II) ~~IF AT THE REQUEST OF THE DEFENDANT THE CASE IS TRANSFERRED TO A CIRCUIT COURT~~ IF THE DISTRICT COURT IS DEPRIVED OF JURISDICTION UNDER CIRCUMSTANCES IN WHICH A DEFENDANT IS ENTITLED TO AND DEMANDS A JURY TRIAL, OR APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT COURT, THE STATE IS NOT REQUIRED TO FILE A SECOND NOTICE.

(2) (I) If the defendant desires the technician to be present and testify at trial, the defendant shall notify the court and the State in writing no later than [10] 20 days before trial.

(II) ~~IF AT THE REQUEST OF THE DEFENDANT THE CASE IS TRANSFERRED TO A CIRCUIT COURT~~ IF THE DISTRICT COURT IS DEPRIVED OF JURISDICTION UNDER CIRCUMSTANCES IN WHICH A DEFENDANT IS ENTITLED TO AND DEMANDS A JURY TRIAL, OR APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT COURT, THE DEFENDANT SHALL NOTIFY THE COURT AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

(III) IF A POSTPONEMENT IS GRANTED IN A DISTRICT COURT OR CIRCUIT COURT, THE DEFENDANT SHALL NOTIFY THE COURT IN WRITING NO LATER THAN 20 DAYS BEFORE THE NEW TRIAL DATE.

(IV) If such timely and proper notice is given, the test results are inadmissible without the testimony of the technician.

(3) Failure to give timely and proper notice constitutes a waiver of the defendant's right to the presence and testimony of the technician.

10-307.

(a) (1) In a proceeding in which a person is charged with a violation of § 388 OR § 388A of Article 27 or with driving or attempting to drive a vehicle in violation of § 21-902 OR § 16-113(A)(2) of the Transportation Article, the amount of alcohol in the person's breath or blood shown ~~in chemical~~ BY ~~BY~~ analysis as provided in this subtitle is admissible in evidence and has the effect set forth in subsections (b) through (e) of this section.