

## VEToes

the technician or analyst who performed the test, is admissible as substantive evidence without the presence or testimony of the technician or analyst who 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

(iii) State that the result of the test is as stated in the report.

(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.