

(b) If at the time of testing a person has an alcohol concentration of 0.05 or less, as determined by an analysis of the person's blood or breath, it shall be presumed that the defendant was not intoxicated and that the defendant was not driving while under the influence of alcohol.

(c) If at the time of testing a person has an alcohol concentration of more than 0.05 but less than 0.07, as determined by an analysis of the person's blood or breath, this fact may not give rise to any presumption that the defendant was or was not intoxicated or that the defendant was or was not driving while under the influence of alcohol, but this fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

(d) If at the time of testing a person has an alcohol concentration of AT LEAST 0.07 [or more] BUT LESS THAN 0.10, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving while under the influence of alcohol.

[(e) If at the time of testing a person has an alcohol concentration of 0.10 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving while intoxicated.]

[(f)](E) If at the time of testing a person has an alcohol concentration of 0.02 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that the defendant was driving with alcohol in the defendant's blood.

[(g)](F) If at the time of testing a person has an alcohol concentration of 0.02 or more, as determined by an analysis of the person's blood or breath, it shall be prima facie evidence that a defendant was driving in violation of § 16-113(b) of the Transportation Article.

Article 27 - Crimes and Punishments

388A.

[(a) In this section "intoxicated" and "under the influence of alcohol" have the same meanings as indicated in and are subject to the same presumptions and evidentiary rules of § 10-307 of the Courts Article regarding intoxication and being under the influence of alcohol under the vehicle laws of this State.]

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "INTOXICATED PER SE" MEANS AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF 0.10 OR MORE AS MEASURED BY GRAMS OF ALCOHOL PER 100 MILLILITERS OF BLOOD OR GRAMS OF ALCOHOL PER 210 LITERS OF BREATH.

(3) "UNDER THE INFLUENCE OF ALCOHOL" HAS THE MEANING INDICATED IN AND IS SUBJECT TO THE SAME PRESUMPTIONS AND EVIDENTIARY RULES OF § 10-307 OF THE COURTS ARTICLE REGARDING DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL UNDER § 21-902(B) OF THE TRANSPORTATION ARTICLE.