

[[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.

(b) Any person causing the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while intoxicated OR INTOXICATED PER SE is guilty of a misdemeanor to be known as "homicide by motor vehicle or vessel while intoxicated", and the person so convicted shall be punished by imprisonment for not more than 5 years, or by fine of not more than \$3,000 or both fine and imprisonment.

(c) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while under the influence of alcohol is guilty of a misdemeanor to be known as "homicide by motor vehicle or vessel while under the influence", and on conviction shall be punished by imprisonment for not more than 1 year or a fine of not more than \$1,000 or both.

(d) (1) In any indictment, information, or other charging document under this section, it is not necessary to set forth the manner and means of death.

(2) It shall be sufficient to use a formula substantially to the following effect: