

presenting oral arguments “to the Court of Appeals” is added for clarity.

For specific provisions on automatic review of capital cases by the Court of Appeals, *see* Md. Rule 8-306.

SUBTITLE 5. HOMICIDE BY MOTOR VEHICLE OR VESSEL WHILE IMPAIRED OR UNDER THE INFLUENCE.

2-501. “UNDER THE INFLUENCE OF ALCOHOL PER SE” DEFINED.

IN THIS SUBTITLE, “UNDER THE INFLUENCE OF ALCOHOL PER SE” MEANS AN ALCOHOL CONCENTRATION AT THE TIME OF TESTING OF 0.08 OR MORE AS MEASURED BY GRAMS OF ALCOHOL PER 100 MILLILITERS OF BLOOD OR GRAMS OF ALCOHOL PER 210 LITERS OF BREATH.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 27, § 388A(a)(1) and (2)(i).

The phrase “of alcohol” is added for consistency with the usage of the defined term in this subtitle.

2-502. CONVERSION OF ALCOHOL CONCENTRATION MEASUREMENT; PRESUMPTIONS AND EVIDENTIARY RULES.

(A) ALCOHOL CONCENTRATION MEASUREMENT.

FOR PURPOSES OF DETERMINING ALCOHOL CONCENTRATION UNDER THIS SUBTITLE, IF THE ALCOHOL CONCENTRATION IS MEASURED BY MILLIGRAMS OF ALCOHOL PER DECILITER OF BLOOD OR MILLIGRAMS OF ALCOHOL PER 100 MILLILITERS OF BLOOD, A COURT SHALL CONVERT THE MEASUREMENT INTO GRAMS OF ALCOHOL PER 100 MILLILITERS OF BLOOD BY DIVIDING THE MEASUREMENT BY 1000.

(B) PRESUMPTIONS AND EVIDENTIARY RULES.

THE PRESUMPTIONS AND EVIDENTIARY RULES OF §§ 10-302, 10-306, 10-307, AND 10-308 OF THE COURTS ARTICLE APPLY TO A PERSON CHARGED UNDER THIS SUBTITLE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 27, § 388A(a)(2)(ii) and (3).

In subsection (b) of this section, the references to CJ §§ 10-302, 10-306, and 10-308 are added for consistency within this article.

Also in subsection (b) of this section, the former defined term “impaired by alcohol” and the reference to it “ha[ving] the meaning indicated in ... § 10-307 of the Courts Article” are deleted as implicit in the presumptions and evidentiary rules of CJ §§ 10-302, 10-306, 10-307, and 10-308 and because CJ § 10-307 does not define the term “impaired by alcohol”. Similarly, in subsection (b) of this section, the former reference to “§ 21-902(b) of the Transportation Article” is deleted as implicit in the reference to those “presumptions and evidentiary rules”.