

HOUSE BILL 649

R3

2lr2188

By: **Delegates Stocksdale, DeBoy, Frank, George, McComas, McDonough,
Myers, B. Robinson, and Wood**

Introduced and read first time: February 8, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Death or Life-Threatening Injury – Mandatory**
3 **Tests**

4 FOR the purpose of requiring a police officer to direct a person to submit to certain
5 tests if the person is involved in a motor vehicle accident that results in the
6 death of, or a life-threatening injury to, another person and the police officer
7 has reasonable grounds to believe that the person has been driving or
8 attempting to drive in violation of certain alcohol- or drug-related driving
9 offenses; and generally relating to a requirement that a police officer direct a
10 person to submit to certain tests if the person is involved in a motor vehicle
11 accident that results in a death or life-threatening injury under certain
12 circumstances.

13 BY repealing and reenacting, without amendments,
14 Article – Transportation
15 Section 16–205.1(a)(1)(i) and (iv)
16 Annotated Code of Maryland
17 (2009 Replacement Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Transportation
20 Section 16–205.1(c)(1)
21 Annotated Code of Maryland
22 (2009 Replacement Volume and 2011 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Transportation**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 16–205.1.

2 (a) (1) (i) In this section the following words have the meanings
3 indicated.

4 (iv) “Test” means, unless the context requires otherwise:

5 1. A test of a person’s breath or of 1 specimen of a
6 person’s blood to determine alcohol concentration;

7 2. A test or tests of 1 specimen of a person’s blood to
8 determine the drug or controlled dangerous substance content of the person’s blood; or

9 3. Both:

10 A. A test of a person’s breath or a test of 1 specimen of a
11 person’s blood, to determine alcohol concentration; and

12 B. A test or tests of 1 specimen of a person’s blood to
13 determine the drug or controlled dangerous substance content of the person’s blood.

14 (c) (1) If a person is involved in a motor vehicle accident that results in
15 the death of, or a life threatening injury to, another person and the person is detained
16 by a police officer who has reasonable grounds to believe that the person has been
17 driving or attempting to drive while under the influence of alcohol, while impaired by
18 alcohol, while so far impaired by any drug, any combination of drugs, or a combination
19 of one or more drugs and alcohol that the person could not drive a vehicle safely, while
20 impaired by a controlled dangerous substance, or in violation of § 16–813 of this title[,
21 the]:

22 (I) **THE POLICE OFFICER SHALL DIRECT THAT THE PERSON**
23 **SUBMIT TO A TEST; AND**

24 (II) **THE** person shall be required to submit, as directed by the
25 officer, to a test of:

26 [(i)] 1. The person’s breath to determine alcohol
27 concentration;

28 [(ii)] 2. One specimen of the person’s blood, to determine
29 alcohol concentration or to determine the drug or controlled dangerous substance
30 content of the person’s blood; or

31 [(iii)] 3. Both the person’s breath under item [(i)] 1 of this
32 [paragraph] ITEM and one specimen of the person’s blood under item [(ii)] 2 of this
33 [paragraph] ITEM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2012.