

HOUSE BILL 532

R3

5lr0637

By: **Delegates Anderson, Aumann, Clippinger, Glenn, Kramer, and Krebs**
Introduced and read first time: February 11, 2015
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 tests if
5 the person is involved in a motor vehicle accident that results in the death of, or a
6 life-threatening injury to, another person and the police officer has reasonable
7 grounds to believe that the person has been driving or attempting to drive in
8 violation of certain alcohol- or drug-related driving offenses; and generally relating
9 to a requirement that a police officer direct a person to submit to certain tests if the
10 person is involved in a motor vehicle accident that results in a death or
11 life-threatening injury under certain circumstances.

12 BY repealing and reenacting, without amendments,
13 Article – Transportation
14 Section 16–205.1(a)(1)(i) and (iii)
15 Annotated Code of Maryland
16 (2012 Replacement Volume and 2014 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Transportation
19 Section 16–205.1(c)(1)
20 Annotated Code of Maryland
21 (2012 Replacement Volume and 2014 Supplement)

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

24 **Article – Transportation**

25 16–205.1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

2 (iii) "Test" means, unless the context requires otherwise:

3 1. A test of a person's breath or of 1 specimen of a person's
4 blood to determine alcohol concentration;

5 2. A test or tests of 1 specimen of a person's blood to
6 determine the drug or controlled dangerous substance content of the person's blood; or

7 3. Both:

8 A. A test of a person's breath or a test of 1 specimen of a
9 person's blood, to determine alcohol concentration; and

10 B. A test or tests of 1 specimen of a person's blood to
11 determine the drug or controlled dangerous substance content of the person's blood.

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

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

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

23 [(i)] 1. The person's breath to determine alcohol concentration;

24 [(ii)] 2. One specimen of the person's blood, to determine alcohol
25 concentration or to determine the drug or controlled dangerous substance content of the
26 person's blood; or

27 [(iii)] 3. Both the person's breath under item [(i)] 1 of this
28 [paragraph] ITEM and one specimen of the person's blood under item [(ii)] 2 of this
29 [paragraph] ITEM.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2015.