

# HOUSE BILL 773

R3

6lr2699  
CF SB 1008

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By: **Delegates Valentino–Smith, Atterbeary, and B. Wilson**

Introduced and read first time: February 8, 2016

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Drunk and Drugged Driving – Evidence of Blood Test**

3 FOR the purpose of providing that, if a law enforcement officer testifies that the officer  
4 witnessed the taking of a blood specimen by a person who the officer reasonably  
5 believed was a qualified medical person, the officer’s testimony shall be sufficient  
6 evidence that the person was a qualified medical person without testimony by the  
7 person who obtained the blood specimen; repealing certain procedures relating to the  
8 admissibility of evidence of a blood test in a prosecution for certain drunk or drugged  
9 driving offenses; altering a certain definition; and generally relating to the  
10 admissibility of evidence of a blood test in a prosecution for certain drunk or drugged  
11 driving offenses.

12 BY repealing and reenacting, without amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 10–304(a)(1)  
15 Annotated Code of Maryland  
16 (2013 Replacement Volume and 2015 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Courts and Judicial Proceedings  
19 Section 10–304(a)(2) and (c)(1)  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2015 Supplement)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Courts and Judicial Proceedings**

4 10–304.

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

6 (2) “Qualified medical person” means [any] A person permitted [by law] to  
7 withdraw blood from [humans] A HUMAN.

8 (c) (1) (i) The blood shall be obtained by a qualified medical person using  
9 equipment approved by the toxicologist under the Postmortem Examiners Commission  
10 acting at the request of a police officer.

11 [(ii) A certified statement by the qualified medical person who  
12 obtained the blood shall be prima facie evidence of that person’s qualifications and that the  
13 blood was obtained in compliance with this section.

14 (iii) 1. A certified statement that complies with the requirements  
15 of this paragraph is admissible as substantive evidence without the presence or testimony  
16 of the qualified medical person who obtained the blood.

17 2. If the State decides to offer the certified statement without  
18 the testimony of the qualified medical person, the State shall, at least 30 days before trial,  
19 notify the defendant or the defendant’s attorney in writing of the State’s intention and  
20 deliver to the defendant or the defendant’s attorney a copy of the certified statement to be  
21 offered.

22 3. If the District Court is deprived of jurisdiction under  
23 circumstances in which a defendant is entitled to and demands a jury trial, or appeals from  
24 the District Court to a circuit court, the State is not required to file a second notice.

25 (iv) 1. If the defendant desires the qualified medical person to be  
26 present and testify at trial, the defendant shall notify the court and the State in writing no  
27 later than 20 days before trial.

28 2. If the District Court is deprived of jurisdiction under  
29 circumstances in which a defendant is entitled to and demands a jury trial, or appeals from  
30 the District Court to a circuit court, the defendant shall notify the circuit court and the  
31 State in writing no later than 20 days before trial.

32 3. If the timely and proper notice required under this  
33 subparagraph is provided by the defendant, the certified statement is inadmissible without  
34 the testimony of the qualified medical person.

1                                   4.     Failure to give the timely and proper notice constitutes a  
2 waiver of the defendant's right to the presence and testimony of the qualified medical  
3 person.]

4                                   **(II) IF A LAW ENFORCEMENT OFFICER TESTIFIES THAT THE**  
5 **OFFICER WITNESSED THE TAKING OF A BLOOD SPECIMEN BY A PERSON WHO THE**  
6 **OFFICER REASONABLY BELIEVED WAS A QUALIFIED MEDICAL PERSON, THE**  
7 **OFFICER'S TESTIMONY SHALL BE SUFFICIENT EVIDENCE THAT THE PERSON WAS A**  
8 **QUALIFIED MEDICAL PERSON, WITHOUT TESTIMONY FROM THE PERSON WHO**  
9 **OBTAINED THE BLOOD SPECIMEN.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.