

# HOUSE BILL 595

R3

8lr0620

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By: **Delegate Dumais**

Introduced and read first time: January 29, 2018

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 20, 2018

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

1 AN ACT concerning

2 **Evidence – Violation of Ignition Interlock System Requirement**

3 FOR the purpose of providing for the admissibility under certain circumstances of a certain  
4 report of an approved service provider in a court proceeding to prove a violation of a  
5 certain requirement imposed by a court that the defendant use an ignition interlock  
6 system; defining certain terms; and generally relating to the admissibility of a  
7 certain report of an approved service provider of an ignition interlock system.

8 BY adding to

9 Article – Courts and Judicial Proceedings

10 Section 10–313

11 Annotated Code of Maryland

12 (2013 Replacement Volume and 2017 Supplement)

13 BY repealing and reenacting, without amendments,

14 Article – Transportation

15 Section 16–404.1(a)(2)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2017 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Courts and Judicial Proceedings**

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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 **10-313.**

2 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
3 INDICATED.

4 (2) "APPROVED SERVICE PROVIDER" HAS THE MEANING STATED IN §  
5 16-404.1(A) OF THE TRANSPORTATION ARTICLE.

6 (3) "IGNITION INTERLOCK SYSTEM" MEANS A DEVICE THAT:

7 (I) CONNECTS A MOTOR VEHICLE IGNITION SYSTEM TO A  
8 BREATH ANALYZER THAT MEASURES A DRIVER'S BLOOD-ALCOHOL LEVEL; AND

9 (II) PREVENTS A MOTOR VEHICLE IGNITION FROM STARTING IF  
10 A DRIVER'S BLOOD-ALCOHOL LEVEL EXCEEDS THE CALIBRATED SETTING ON THE  
11 DEVICE.

12 (B) ~~A~~ SUBJECT TO PROVISIONS OF SUBSECTION (C) OF THIS SECTION, A  
13 REPORT BY AN APPROVED SERVICE PROVIDER TO THE DIVISION OF PAROLE AND  
14 PROBATION OF THE RESULTS OF MONITORING THE USE OF AN IGNITION INTERLOCK  
15 SYSTEM SHALL BE ADMISSIBLE IN A COURT PROCEEDING TO PROVE A VIOLATION OF  
16 A REQUIREMENT IMPOSED BY A COURT THAT THE DEFENDANT USE AN IGNITION  
17 INTERLOCK SYSTEM AS A SENTENCE, PART OF A SENTENCE, OR CONDITION OF  
18 PROBATION FOR A VIOLATION OF:

19 (1) § 21-902(A) ("DRIVING WHILE UNDER THE INFLUENCE OF  
20 ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER SE") OF THE  
21 TRANSPORTATION ARTICLE;

22 (2) § 21-902(B) ("DRIVING WHILE IMPAIRED BY ALCOHOL") OF THE  
23 TRANSPORTATION ARTICLE; OR

24 (3) § 21-902(C) ("DRIVING WHILE IMPAIRED BY DRUGS OR DRUGS  
25 AND ALCOHOL") OF THE TRANSPORTATION ARTICLE.

26 (C) (1) IF THE STATE DECIDES TO OFFER A REPORT DESCRIBED UNDER  
27 SUBSECTION (B) OF THIS SECTION WITHOUT THE TESTIMONY OF A REPRESENTATIVE  
28 OF THE APPROVED SERVICE PROVIDER, THE STATE SHALL, AT LEAST 30 DAYS  
29 BEFORE THE COURT PROCEEDING, NOTIFY THE DEFENDANT OR THE DEFENDANT'S  
30 ATTORNEY IN WRITING OF THE STATE'S INTENTION AND DELIVER TO THE  
31 DEFENDANT OR THE DEFENDANT'S ATTORNEY A COPY OF THE REPORT.

32 (2) IF THE DEFENDANT WANTS THE REPRESENTATIVE OF THE  
33 APPROVED SERVICE PROVIDER TO BE PRESENT AND TESTIFY IN THE COURT

1 PROCEEDING, THE DEFENDANT SHALL NOTIFY THE COURT AND THE STATE IN  
2 WRITING NOT LATER THAN 20 DAYS BEFORE THE DATE OF THE PROCEEDING.

3 (3) IF THE TIMELY AND PROPER NOTICE DESCRIBED UNDER  
4 PARAGRAPH (2) OF THIS SUBSECTION IS PROVIDED BY THE DEFENDANT, THE  
5 REPORT IS INADMISSIBLE WITHOUT THE TESTIMONY OF THE REPRESENTATIVE OF  
6 THE APPROVED SERVICE PROVIDER.

7 (4) THE DEFENDANT’S FAILURE TO PROVIDE THE TIMELY AND  
8 PROPER NOTICE DESCRIBED UNDER PARAGRAPH (2) OF THIS SUBSECTION  
9 CONSTITUTES A WAIVER OF THE DEFENDANT’S RIGHT TO THE PRESENCE AND  
10 TESTIMONY OF THE REPRESENTATIVE OF THE APPROVED SERVICE PROVIDER.

11 **Article – Transportation**

12 16–404.1.

13 (a) (2) “Approved service provider” means a person who is certified by:

14 (i) The Administration to service, install, monitor, calibrate, and  
15 provide information on ignition interlock systems; and

16 (ii) A manufacturer to be qualified to service, install, monitor,  
17 calibrate, and provide information on ignition interlock systems.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2018.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.