



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

TESTIMONY IN **SUPPORT**

HB1381

Delegate J. Sandy Bartlett

Chairman Clippinger, Vice Chairwoman Atterbeary and members of the House Judiciary Committee, I am here in support of HB1381 because without this, law family members are being killed by drunk and/or drugged drivers. The families are without justice because there were no tests administered at the scene to determine the degree of intoxication.

Today, you will hear from families who have lost their loved ones. They will tell you that despite the reckless driving and gross negligence of their sons' killers by getting behind the wheel while under the influence, the operators were able to walk away with minimal, or in the matter of Danshaun's killer, no discipline at all. Had a breath or blood test been administered on these drivers, the drivers may have been charged under (1) Section 2-209 Manslaughter by vehicle – Gross negligence and been found guilty of a felony subject to 10 years in prison.

Our officers need tools to stop drunk and drugged drivers. Many officers are not trained to identify the signs and symptoms of drivers impaired by drugs other than alcohol. Delays in drawing blood for a test may allow drugs to metabolize, so that test results do not accurately measure a driver's drug concentration at the time of arrest. The tests need to be administered with deliberate haste.

At the very least, when an officer has a reasonable suspicion that the driver is impaired by alcohol or drugs, there are standard field sobriety tests the officer should administer. A reasonable suspicion based on what the officer observes from the driver's behavior and any other signs such as the odor of alcohol or marijuana, beer bottles, marijuana cigarettes, or the like. Death of another should also lead to a reasonable suspicion to administer a breathalyzer.

The 4th Amendment of the U.S. Constitution protects us from unreasonable searches and seizures and the taking of blood to test whether a person was driving impaired when the operator killed someone is not an unreasonable search.

For these reasons, I ask for a favorable vote on HB1381