

(ii) Evidence of a test or analysis provided for in this subtitle is not admissible in a prosecution for a violation of § 16-113 or § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or Article 27, § 388, § 388A, or § 388B of the Code if obtained contrary to the provisions of this subtitle.

(2) [(i) No inference or presumption concerning either guilt or innocence arises because of refusal to submit.

(ii)] The fact of refusal to submit is admissible in evidence at the trial.

(b) This section does not limit the provisions of the vehicle laws regarding the consequences of refusal to submit to a test or tests.

(c) Nothing in this section precludes or limits the admissibility of evidence of a test or analysis to determine the alcohol concentration of a person's blood or breath in any prosecution other than for a violation of § 16-113 or § 21-902 of the Transportation Article, § 8-738 of the Natural Resources Article, or Article 27, § 388, § 388A, or § 388B of the Code.

(d) Nothing in this section precludes or limits admissibility of evidence of a test or analysis to determine the alcohol concentration of a person's blood or breath which is obtained as provided in § 16-205.1(c) of the Transportation Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.

Approved April 10, 2001.

CHAPTER 2

(House Bill 338)

AN ACT concerning

Drunk and Drugged Driving - Evidence - Refusal to Submit to Test for Alcohol, Drugs, or Controlled Dangerous Substances

FOR the purpose of repealing a prohibition against an inference or presumption concerning guilt or innocence arising because of a person's refusal to submit to a certain test for alcohol, drugs, or controlled dangerous substances; and generally relating to evidence of a person's refusal to submit to a certain test for alcohol, drugs, or controlled dangerous substances in prosecutions of certain alcohol or drug related driving offenses.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-309

Annotated Code of Maryland

(1998 Replacement Volume and 2000 Supplement)