

HOUSE BILL 757

R3

7lr1137

By: **Delegate Dumais**

Introduced and read first time: February 2, 2017

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of providing for the admissibility of a certain report of an approved service
4 provider in a criminal proceeding to prove a violation of a certain requirement
5 imposed by a court that the defendant use an ignition interlock system; defining
6 certain terms; and generally relating to the admissibility of a certain report of an
7 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 2016 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 2016 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**

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 REPORT BY AN APPROVED SERVICE PROVIDER TO THE DIVISION OF
13 PAROLE AND PROBATION OF THE RESULTS OF MONITORING THE USE OF AN
14 IGNITION INTERLOCK SYSTEM SHALL BE ADMISSIBLE IN A CRIMINAL PROCEEDING
15 TO PROVE A VIOLATION OF A REQUIREMENT IMPOSED BY A COURT THAT THE
16 DEFENDANT USE AN IGNITION INTERLOCK SYSTEM AS A SENTENCE, PART OF A
17 SENTENCE, OR CONDITION OF PROBATION FOR A VIOLATION OF:

18 (1) § 21-902(A) ("DRIVING WHILE UNDER THE INFLUENCE OF
19 ALCOHOL OR UNDER THE INFLUENCE OF ALCOHOL PER SE") OF THE
20 TRANSPORTATION ARTICLE; OR

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

23 **Article – Transportation**

24 16-404.1.

25 (a) (2) "Approved service provider" means a person who is certified by:

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

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.