

SENATE BILL 497

R3

0lr1242
CF HB 1334

By: **Senators Ready, Carozza, Eckardt, Gallion, and West**

Introduced and read first time: January 29, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2020

CHAPTER _____

1 AN ACT concerning

2 **Drugged Driving – Controlled Dangerous Substance Testing – Authorized Police**
3 **Officers**

4 FOR the purpose of authorizing a police officer who has successfully completed a certain
5 program of training in advanced roadside impaired driving enforcement to request,
6 require, or direct that a person take a certain test for drug or controlled dangerous
7 substance content under certain circumstances; repealing a provision of law
8 authorizing a police officer who is a trainee, or is participating directly or indirectly
9 in a certain program of training, for certification as a drug recognition expert to
10 request, require, or direct that a person take a certain test for drug or controlled
11 dangerous substance content under certain circumstances; making certain
12 conforming changes; and generally relating to testing for drugged driving.

13 BY repealing and reenacting, with amendments,
14 Article – Transportation
15 Section 16–205.1(j)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2019 Supplement)

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

20 **Article – Transportation**

21 16–205.1.

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.



(j) Notwithstanding any other provision of this section, a test for drug or controlled dangerous substance content under this section:

(1) May not be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer unless the law enforcement agency of which the officer is a member has the capacity to have such tests conducted;

(2) May only be requested as described under subsection (b) of this section, required as described under subsection (c) of this section, or directed as described under subsection (d) of this section, by a police officer who [is a trainee, has been trained, or is participating directly or indirectly in a program of training that is]:

[(i) Designed to train and certify police officers as drug recognition experts; and]

(i) 1. IS A MEMBER OF, AND HAS BEEN CERTIFIED AS A DRUG RECOGNITION EXPERT BY THE HEAD OF:

A. THE DEPARTMENT OF STATE POLICE;

B. THE BALTIMORE POLICE DEPARTMENT;

C. A POLICE DEPARTMENT, BUREAU, OR FORCE OF A COUNTY;

D. A POLICE DEPARTMENT, BUREAU, OR FORCE OF AN INCORPORATED CITY OR TOWN;

E. THE MARYLAND TRANSIT ADMINISTRATION POLICE FORCE;

F. THE MARYLAND PORT ADMINISTRATION POLICE FORCE OF THE DEPARTMENT OF TRANSPORTATION;

G. THE MARYLAND TRANSPORTATION AUTHORITY POLICE FORCE;

H. THE POLICE FORCE OF A UNIVERSITY OF MARYLAND CAMPUS OR ANOTHER INSTITUTION IN THE UNIVERSITY SYSTEM OF MARYLAND OR MORGAN STATE UNIVERSITY;

I. THE POLICE FORCE OF A STATE UNIVERSITY OR

COLLEGE UNDER THE DIRECTION AND CONTROL OF THE UNIVERSITY SYSTEM OF
MARYLAND;

J. A SHERIFF'S DEPARTMENT OF ANY COUNTY OR
BALTIMORE CITY;

K. THE NATURAL RESOURCES POLICE FORCE OR THE
FOREST AND PARK SERVICE POLICE FORCE OF THE DEPARTMENT OF NATURAL
RESOURCES; OR

L. THE MARYLAND CAPITOL POLICE OF THE
DEPARTMENT OF GENERAL SERVICES; AND

2. HAS BEEN TRAINED AS A DRUG RECOGNITION EXPERT
BY A LAW ENFORCEMENT AGENCY OF THE STATE, OR ANY COUNTY, MUNICIPAL, OR
OTHER LAW ENFORCEMENT AGENCY IN THE STATE DESCRIBED IN ITEM 1 OF THIS
ITEM, IN A PROGRAM OF TRAINING:

[(ii) Conducted by a law enforcement agency of the State, or any
county, municipal, or other law enforcement agency in the State described in item (3)(i)1
through 12 of this subsection:]

[1.] A. [In] ADMINISTERED IN conjunction with the
National Highway Traffic Safety Administration; or

[2.] B. [As a program of training of police officers as drug
recognition experts that] THAT contains requirements for successful completion of the
training program that are the substantial equivalent of the requirements of the Drug
Recognition Training Program developed by the National Highway Traffic Safety
Administration; [and] OR

(II) IS A MEMBER OF AND HAS BEEN CERTIFIED AS HAVING
SUCCESSFULLY COMPLETED ADVANCED ROADSIDE IMPAIRED DRIVING
ENFORCEMENT TRAINING BY THE HEAD OF A LAW ENFORCEMENT AGENCY
DESCRIBED IN ITEM (I)1 OF THIS ITEM IN A PROGRAM OF TRAINING:

1. ADMINISTERED IN CONJUNCTION WITH THE
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; OR

2. THAT CONTAINS REQUIREMENTS FOR SUCCESSFUL
COMPLETION OF THE TRAINING PROGRAM THAT ARE THE SUBSTANTIAL
EQUIVALENT OF THE REQUIREMENTS OF THE ADVANCED ROADSIDE IMPAIRED
DRIVING ENFORCEMENT TRAINING DEVELOPED BY THE NATIONAL HIGHWAY
TRAFFIC SAFETY ADMINISTRATION.

1 [(3) May only be requested as described under subsection (b) of this section,
2 required as described under subsection (c) of this section, or directed as described under
3 subsection (d) of this section:

4 (i) In the case of a police officer who is a trainee, or who is
5 participating directly or indirectly in a program of training described in item (2) of this
6 subsection, if the police officer is a member of, and is designated as a trainee or a participant
7 by the head of:

- 8 1. The Department of State Police;
- 9 2. The Baltimore City Police Department;
- 10 3. A police department, bureau, or force of a county;
- 11 4. A police department, bureau, or force of an incorporated
12 city or town;
- 13 5. The Maryland Transit Administration Police Force;
- 14 6. The Maryland Port Administration Police Force of the
15 Department of Transportation;
- 16 7. The Maryland Transportation Authority Police Force;
- 17 8. The Police Force of a University of Maryland campus or
18 another institution in the University System of Maryland or Morgan State University;
- 19 9. The police force for a State university or college under the
20 direction and control of the University System of Maryland;
- 21 10. A sheriff's department of any county or Baltimore City;
- 22 11. The Natural Resources Police Force or the Forest and Park
23 Service Police Force of the Department of Natural Resources; or
- 24 12. The Maryland Capitol Police of the Department of General
25 Services; or

26 (ii) In the case of a police officer who has been trained as a drug
27 recognition expert, if the police officer is a member of, and certified as a drug recognition
28 expert by the head of one of the law enforcement agencies described in item (i)1 through 12
29 of this item.]

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2020.