R30lr3608 CF SB 497

By: Delegates Arikan, Boteler, Cox, Griffith, Johnson, Malone, Reilly, and Shetty Introduced and read first time: February 7, 2020 Assigned to: Judiciary

## A BILL ENTITLED

1 $A$	N A	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 request, require, or direct that a person take a certain test for drug or controlled 10 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,
- Article Transportation 14
- 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.
- 22Notwithstanding any other provision of this section, a test for drug or 23controlled dangerous substance content under this section:
- 24May not be requested as described under subsection (b) of this section, (1)25 required as described under subsection (c) of this section, or directed as described under

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- subsection (d) of this section, by a police officer unless the law enforcement agency of which 1 2the officer is a member has the capacity to have such tests conducted; 3 May only be requested as described under subsection (b) of this section, 4 required as described under subsection (c) of this section, or directed as described under 5 subsection (d) of this section, by a police officer who [is a trainee, has been trained, or is 6 participating directly or indirectly in a program of training that is: 7 (i) Designed to train and certify police officers as drug recognition 8 experts; and 9 **(I)** 1. IS A MEMBER OF, AND HAS BEEN CERTIFIED AS A 10 DRUG RECOGNITION EXPERT BY THE HEAD OF: Α. THE DEPARTMENT OF STATE POLICE; 11 В. THE BALTIMORE POLICE DEPARTMENT; 12 13 C. A POLICE DEPARTMENT, BUREAU, OR FORCE OF A 14 COUNTY; D. 15 A POLICE DEPARTMENT, BUREAU, OR FORCE OF AN 16 INCORPORATED CITY OR TOWN; Ε. THE MARYLAND TRANSIT ADMINISTRATION POLICE 17 18 FORCE; THE MARYLAND PORT ADMINISTRATION POLICE F. 19 FORCE OF THE DEPARTMENT OF TRANSPORTATION: 20 G. 21THE MARYLAND TRANSPORTATION AUTHORITY 22 POLICE FORCE; H. THE POLICE FORCE OF A UNIVERSITY OF MARYLAND 23CAMPUS OR ANOTHER INSTITUTION IN THE UNIVERSITY SYSTEM OF MARYLAND OR 24
- I. THE POLICE FORCE OF A STATE UNIVERSITY OR COLLEGE UNDER THE DIRECTION AND CONTROL OF THE UNIVERSITY SYSTEM OF MARYLAND;

MORGAN STATE UNIVERSITY:

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J. A SHERIFF'S DEPARTMENT OF ANY COUNTY OR 30 BALTIMORE CITY;

	TOUSE BILL 1334
1 2 3	K. THE NATURAL RESOURCES POLICE FORCE OR THE FOREST AND PARK SERVICE POLICE FORCE OF THE DEPARTMENT OF NATURAL RESOURCES; OR
4 5	L. THE MARYLAND CAPITOL POLICE OF THE DEPARTMENT OF GENERAL SERVICES; AND
6 7 8 9	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:
10 11 12	[(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:]
13 14	[1.] A. [In] ADMINISTERED IN conjunction with the National Highway Traffic Safety Administration; or
15 16 17 18	[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
20 21 22 23	(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:
24 25	1. ADMINISTERED IN CONJUNCTION WITH THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION; OR
26 27	2. That contains requirements for successful completion of the training program that are the substantial

I(3) 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:

TRAFFIC SAFETY ADMINISTRATION.

EQUIVALENT OF THE REQUIREMENTS OF THE ADVANCED ROADSIDE IMPAIRED

DRIVING ENFORCEMENT TRAINING DEVELOPED BY THE NATIONAL HIGHWAY

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(i) In the case of a police officer who is a trainee, or who is

1 2 3	1 1 0		ctly in a program of training described in item (2) of this s a member of, and is designated as a trainee or a participant		
4		1.	The Department of State Police;		
5		2.	The Baltimore City Police Department;		
6		3.	A police department, bureau, or force of a county;		
7 8	city or town;	4.	A police department, bureau, or force of an incorporated		
9		5.	The Maryland Transit Administration Police Force;		
10 11	Department of Transpor	6. tation;	The Maryland Port Administration Police Force of the		
12		7.	The Maryland Transportation Authority Police Force;		
13 14	another institution in the	8. e Univ	The Police Force of a University of Maryland campus or ersity System of Maryland or Morgan State University;		
15 16	9. The police force for a State university or college under the direction and control of the University System of Maryland;				
17		10.	A sheriff's department of any county or Baltimore City;		
18 19	Service Police Force of th	11. ne Depa	The Natural Resources Police Force or the Forest and Park artment of Natural Resources; or		
20 21	Services; or	12.	The Maryland Capitol Police of the Department of General		
22 23 24 25	(ii) In the case of a police officer who has been trained as a drug recognition expert, if the police officer is a member of, and certified as a drug recognition expert by the head of one of the law enforcement agencies described in item (i)1 through 12 of this item.]				
26 27	SECTION 2. ANI October 1, 2020.	) BE I	T FURTHER ENACTED, That this Act shall take effect		