

SB 961 A STAFF MEASURE SUMMARY

Carrier: Sen. Manning Jr

Senate Committee On Judiciary

Action Date: 04/18/17

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Allows defendant charged with driving while under the influence of controlled substance or an inhalant to file diversion petition 14 days after defendant's attorney receives laboratory notes and test results from blood or urine sample, provided that defendant's blood alcohol content was not over .08 percent.

ISSUES DISCUSSED:

- Timely discovery
- Availability of all relevant information

EFFECT OF AMENDMENT:

Clarifies language surrounding blood alcohol content and collection of blood or urine sample.

BACKGROUND:

The driving while under the influence of intoxicants diversion program allows certain defendants to participate in a quasi-probationary program with a number of requirements, including an obligation to complete a drug and alcohol screening interview and any necessary treatment. If a defendant successfully completes the program, the criminal charge against the defendant is dismissed and the diversion remains on the defendant's record. Current law requires the defendant to file a petition to enter diversion within 30 days after the defendant's first appearance on the charge, unless the court finds good cause to allow a later filing. Senate Bill 961-A expressly provides a defendant who is charged with driving under the influence of a controlled substance or inhalant with the ability to file the petition 14 days after the defendant's attorney receives the results of a urine or blood sample requested by a police officer.