

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 416

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Courts” and substitute “Criminal Procedure”; in the same line, strike “Overdose Incidents” and substitute “Medical Emergencies”; strike beginning with the first “a” in line 3 down through “prosecution” in line 15 and substitute “that a person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person experiencing a medical emergency after ingesting or using alcohol or drugs shall be immune from a certain criminal prosecution if the evidence for the criminal prosecution was obtained solely as a result of a certain action; providing that a person who experiences a medical emergency after ingesting or using alcohol or drugs shall be immune from a certain criminal prosecution if the evidence for the criminal prosecution was obtained solely as a result of a certain action; establishing that the act of providing or assisting with the provision of medical assistance can be used as a certain mitigating factor; making clarifying changes”; in line 16, strike “overdose incidents” and substitute “medical emergencies”; and strike in their entirety lines 17 through 21, inclusive, and substitute:

“BY repealing and reenacting, with amendments

Article – Criminal Procedure

Section 1-210

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 24 on page 2, inclusive, and substitute:

“Article – Criminal Procedure

(Over)

1-210.

(A) The act of seeking, PROVIDING, OR ASSISTING WITH THE PROVISION OF medical assistance for another person who is experiencing a medical emergency after ingesting OR USING alcohol or drugs may be used as a mitigating factor in a criminal prosecution.

(B) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A MEDICAL EMERGENCY AFTER INGESTING OR USING ALCOHOL OR DRUGS SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-114, 10-116, AND 10-117 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE PERSON'S SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.

(C) A PERSON WHO EXPERIENCES A MEDICAL EMERGENCY AFTER INGESTING OR USING ALCOHOL OR DRUGS SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-114, 10-116, AND 10-117 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF ANOTHER PERSON'S SEEKING MEDICAL ASSISTANCE."