

HOUSE BILL 416

E2
HB 1390/08 – JUD

4lr0336

By: **Delegates Cardin, Bobo, Eckardt, Glenn, Haddaway–Riccio, Morhaim,
Murphy, B. Robinson, and Valderrama**

Introduced and read first time: January 24, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Courts – Limited Immunity – Alcohol– or Drug–Related Overdose Incidents**

3 FOR the purpose of providing a certain person who seeks medical assistance for a
4 person experiencing an alcohol– or a drug–related overdose certain immunity
5 from civil liability or criminal prosecution under certain circumstances;
6 providing that a certain person who seeks medical assistance for a person
7 experiencing an alcohol– or a drug–related overdose may not be detained on or
8 prosecuted in connection with a certain warrant under certain circumstances;
9 providing a certain person experiencing an alcohol– or a drug–related overdose
10 certain immunity from criminal prosecution under certain circumstances;
11 providing that a certain person experiencing an alcohol– or a drug–related
12 overdose may not be detained on or prosecuted in connection with a certain
13 warrant under certain circumstances; providing that the act of seeking medical
14 assistance for a certain person may be used as a mitigating factor in a certain
15 criminal prosecution; and generally relating to limited immunity for alcohol– or
16 drug–related overdose incidents.

17 BY adding to

18 Article – Courts and Judicial Proceedings

19 Section 5–642

20 Annotated Code of Maryland

21 (2013 Replacement Volume and 2013 Supplement)

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

24 **Article – Courts and Judicial Proceedings**

25 **5–642.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE FOR**
2 **A PERSON EXPERIENCING AN ALCOHOL- OR A DRUG-RELATED OVERDOSE:**

3 **(1) SHALL BE IMMUNE FROM CIVIL LIABILITY OR CRIMINAL**
4 **PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-116, AND 10-117 OF**
5 **THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL**
6 **PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE PERSON'S SEEKING**
7 **MEDICAL ASSISTANCE; AND**

8 **(2) MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION**
9 **WITH AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE**
10 **PERSON'S SEEKING MEDICAL ASSISTANCE IS THE REASON FOR THE PERSON'S**
11 **ENCOUNTER WITH LAW ENFORCEMENT.**

12 **(B) A PERSON WHO EXPERIENCES AN ALCOHOL- OR A DRUG-RELATED**
13 **OVERDOSE AND IS IN NEED OF MEDICAL ASSISTANCE:**

14 **(1) SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A**
15 **VIOLATION OF §§ 5-601, 5-619, 10-116, AND 10-117 OF THE CRIMINAL LAW**
16 **ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED**
17 **SOLELY AS A RESULT OF THE PERSON'S SEEKING MEDICAL ASSISTANCE; AND**

18 **(2) MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION**
19 **WITH AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE**
20 **PERSON'S SEEKING MEDICAL ASSISTANCE IS THE REASON FOR THE PERSON'S**
21 **ENCOUNTER WITH LAW ENFORCEMENT.**

22 **(C) THE ACT OF SEEKING MEDICAL ASSISTANCE FOR A PERSON WHO IS**
23 **EXPERIENCING AN ALCOHOL- OR A DRUG-RELATED OVERDOSE MAY BE USED AS**
24 **A MITIGATING FACTOR IN A CRIMINAL PROSECUTION.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2014.**