

HOUSE BILL 416

E2
HB 1390/08 – JUD

4lr0336

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

Introduced and read first time: January 24, 2014

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 2014

CHAPTER _____

1 AN ACT concerning

2 ~~Courts~~ Criminal Procedure – Limited Immunity – Alcohol– or Drug–Related
3 ~~Overdose Incidents~~ Medical Emergencies

4 FOR the purpose of providing ~~a certain person who seeks medical assistance for a~~
5 ~~person experiencing an alcohol– or a drug–related overdose certain immunity~~
6 ~~from civil liability or criminal prosecution under certain circumstances;~~
7 ~~providing that a certain person who seeks medical assistance for a person~~
8 ~~experiencing an alcohol– or a drug–related overdose may not be detained on or~~
9 ~~prosecuted in connection with a certain warrant under certain circumstances;~~
10 ~~providing a certain person experiencing an alcohol– or a drug–related overdose~~
11 ~~certain immunity from criminal prosecution under certain circumstances;~~
12 ~~providing that a certain person experiencing an alcohol– or a drug–related~~
13 ~~overdose may not be detained on or prosecuted in connection with a certain~~
14 ~~warrant under certain circumstances; providing that the act of seeking medical~~
15 ~~assistance for a certain person may be used as a mitigating factor in a certain~~
16 ~~criminal prosecution~~ that a person who, in good faith, seeks, provides, or assists
17 with the provision of medical assistance for a person experiencing a medical
18 emergency after ingesting or using alcohol or drugs shall be immune from a
19 certain criminal prosecution if the evidence for the criminal prosecution was
20 obtained solely as a result of a certain action; providing that a person who
21 experiences a medical emergency after ingesting or using alcohol or drugs shall
22 be immune from a certain criminal prosecution if the evidence for the criminal
23 prosecution was obtained solely as a result of a certain action; establishing that
24 the act of providing or assisting with the provision of medical assistance can be

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.



used as a certain mitigating factor; making clarifying changes; and generally relating to limited immunity for alcohol- or drug-related overdose incidents medical emergencies.

~~BY adding to~~

~~Article – Courts and Judicial Proceedings~~

~~Section 5-642~~

~~Annotated Code of Maryland~~

~~(2013 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Criminal Procedure

Section 1-210

Annotated Code of Maryland

(2008 Replacement Volume and 2013 Supplement)

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

~~Article – Courts and Judicial Proceedings~~

~~5-642.~~

~~(A) A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN ALCOHOL OR A DRUG RELATED OVERDOSE;~~

~~(1) SHALL BE IMMUNE FROM CIVIL LIABILITY OR CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 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 MEDICAL ASSISTANCE; AND~~

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

~~(B) A PERSON WHO EXPERIENCES AN ALCOHOL OR A DRUG RELATED OVERDOSE AND IS IN NEED OF MEDICAL ASSISTANCE;~~

~~(1) SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 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 MEDICAL ASSISTANCE; AND~~

1 ~~(2) MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION~~
2 ~~WITH AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE~~
3 ~~PERSON'S SEEKING MEDICAL ASSISTANCE IS THE REASON FOR THE PERSON'S~~
4 ~~ENCOUNTER WITH LAW ENFORCEMENT.~~

5 ~~(C) THE ACT OF SEEKING MEDICAL ASSISTANCE FOR A PERSON WHO IS~~
6 ~~EXPERIENCING AN ALCOHOL OR A DRUG RELATED OVERDOSE MAY BE USED AS~~
7 ~~A MITIGATING FACTOR IN A CRIMINAL PROSECUTION.~~

8 Article – Criminal Procedure

9 1-210.

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

14 (B) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS
15 WITH THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A
16 MEDICAL EMERGENCY AFTER INGESTING OR USING ALCOHOL OR DRUGS SHALL
17 BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601,
18 5-619, 10-114, 10-116, AND 10-117 OF THE CRIMINAL LAW ARTICLE IF THE
19 EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A
20 RESULT OF THE PERSON'S SEEKING, PROVIDING, OR ASSISTING WITH THE
21 PROVISION OF MEDICAL ASSISTANCE.

22 (C) A PERSON WHO EXPERIENCES A MEDICAL EMERGENCY AFTER
23 INGESTING OR USING ALCOHOL OR DRUGS SHALL BE IMMUNE FROM CRIMINAL
24 PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-114, 10-116, AND
25 10-117 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL
26 PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF ANOTHER PERSON'S
27 SEEKING MEDICAL ASSISTANCE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2014.