

SENATE BILL 476

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4lr2722
CF HB 342

By: **Senator Colburn**

Introduced and read first time: January 27, 2014

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2014

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – ~~Seeking Medical Assistance for Another Who Ingested~~**
3 **~~Alcohol or Drugs – Minors~~ Limited Immunity – Alcohol– or Drug–Related**
4 **Medical Emergencies**

5 FOR the purpose of providing that a ~~minor who, in good faith, seeks medical~~
6 ~~assistance for another person who is experiencing a medical emergency after~~
7 ~~ingesting alcohol or drugs may not be charged with or prosecuted for certain~~
8 ~~crimes, be detained on an outstanding warrant for another nonviolent crime~~
9 ~~under certain circumstances, or be required to provide any personal identifying~~
10 ~~information for a certain purpose; creating a certain exception; and generally~~
11 ~~relating to the seeking of medical assistance for another person who ingested~~
12 ~~alcohol or drugs~~ person who, in good faith, seeks, provides, or assists with the
13 provision of medical assistance for a person experiencing a medical emergency
14 after ingesting or using alcohol or drugs shall be immune from a certain
15 criminal prosecution if the evidence for the criminal prosecution was obtained
16 solely as a result of a certain action; providing that a person who experiences a
17 medical emergency after ingesting or using alcohol or drugs shall be immune
18 from a certain criminal prosecution if the evidence for the criminal prosecution
19 was obtained solely as a result of a certain action; establishing that the act of
20 providing or assisting with the provision of medical assistance can be used as a
21 certain mitigating factor; making clarifying changes; and generally relating to
22 limited immunity for alcohol– or drug–related medical emergencies.

23 BY repealing and reenacting, with amendments,

24 Article – Criminal Procedure

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.



1 Section 1-210
 2 Annotated Code of Maryland
 3 (2008 Replacement Volume and 2013 Supplement)

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

6 **Article – Criminal Procedure**

7 1-210.

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

12 ~~(B) (1) A MINOR WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE~~
 13 ~~FOR ANOTHER PERSON WHO IS EXPERIENCING A MEDICAL EMERGENCY AFTER~~
 14 ~~INGESTING ALCOHOL OR DRUGS MAY NOT BE:~~

15 ~~(I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A~~
 16 ~~CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THE CRIMINAL LAW~~
 17 ~~ARTICLE OR UNDERAGE POSSESSION OF ALCOHOL UNDER § 10-114 OF THE~~
 18 ~~CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION~~
 19 ~~WAS OBTAINED SOLELY AS A RESULT OF THE MINOR SEEKING MEDICAL~~
 20 ~~ASSISTANCE;~~

21 ~~(II) DETAINED ON AN OUTSTANDING WARRANT FOR~~
 22 ~~ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE BY~~
 23 ~~THE MINOR IS THE REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT; OR~~

24 ~~(III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING~~
 25 ~~INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL~~
 26 ~~TREATMENT OF THE PERSON EXPERIENCING A MEDICAL EMERGENCY.~~

27 ~~(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO~~
 28 ~~PROVIDED, SOLD, GAVE, OR EXCHANGED FOR OTHER GOODS OR SERVICES THE~~
 29 ~~ALCOHOL OR DRUGS CAUSING THE MEDICAL EMERGENCY TO THE PERSON FOR~~
 30 ~~WHOM MEDICAL ASSISTANCE IS SOUGHT.~~

31 (B) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS
 32 WITH THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A
 33 MEDICAL EMERGENCY AFTER INGESTING OR USING ALCOHOL OR DRUGS SHALL
 34 BE IMMUNE FROM CRIMINAL PROSECUTION FOR A VIOLATION OF §§ 5-601,
 35 5-619, 10-114, 10-116, AND 10-117 OF THE CRIMINAL LAW ARTICLE IF THE

1 EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A
2 RESULT OF THE PERSON’S SEEKING, PROVIDING, OR ASSISTING WITH THE
3 PROVISION OF MEDICAL ASSISTANCE.

4 (C) A PERSON WHO EXPERIENCES A MEDICAL EMERGENCY AFTER
5 INGESTING OR USING ALCOHOL OR DRUGS SHALL BE IMMUNE FROM CRIMINAL
6 PROSECUTION FOR A VIOLATION OF §§ 5-601, 5-619, 10-114, 10-116, AND
7 10-117 OF THE CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL
8 PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF ANOTHER PERSON’S
9 SEEKING MEDICAL ASSISTANCE.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.