

HOUSE BILL 1009

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5lr2066
CF SB 654

By: **Delegates Smith, Luedtke, Moon, Morales, Platt, and Tarlau**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2015

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Immunity – Alcohol– or Drug–Related Medical**
3 **Emergencies**

4 FOR the purpose of establishing that the act of seeking assistance by a person who
5 experiences a medical emergency after ingesting or using alcohol or drugs may be
6 used as a mitigating factor in a criminal prosecution of the person; altering a certain
7 provision providing certain immunity to a person who seeks, provides, or assists with
8 the provision of certain medical assistance by providing the immunity from a
9 criminal arrest, charge, or prosecution and providing immunity when a person is
10 reasonably believed to be experiencing a medical emergency rather than when the
11 person is experiencing a medical emergency; altering a certain provision providing
12 certain immunity to a person who seeks certain medical assistance by providing
13 immunity from a criminal arrest, charge, or prosecution and providing immunity
14 when the person reasonably believes that the person is experiencing a medical
15 emergency rather than when the person is experiencing a medical emergency;
16 extending the applicability of certain immunity provisions to certain drug
17 paraphernalia offenses and certain persons who receive certain medical assistance;
18 prohibiting a person who seeks, provides, or assists with the provision of certain
19 medical assistance from being sanctioned for a violation of a condition of pretrial
20 release, probation, or parole under certain circumstances; ~~prohibiting a person who~~
21 ~~seeks, provides, or assists with the provision of certain medical assistance from being~~
22 ~~detained or prosecuted in connection with an outstanding warrant under certain~~
23 ~~circumstances~~; clarifying certain language; and generally relating to immunity and
24 alcohol– or drug–related medical emergencies.

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 BY repealing and reenacting, with amendments,
2 Article – Criminal Procedure
3 Section 1–210
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2014 Supplement)

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

8 **Article – Criminal Procedure**

9 1–210.

10 (a) The act of seeking, providing, or assisting with the provision of medical
11 assistance for another person who is experiencing a medical emergency after ingesting or
12 using alcohol or drugs may be used as a mitigating factor in a criminal prosecution **OF:**

13 **(1) THE PERSON WHO EXPERIENCED THE MEDICAL EMERGENCY; OR**

14 **(2) ANY PERSON WHO SOUGHT, PROVIDED, OR ASSISTED IN THE**
15 **PROVISION OF MEDICAL ASSISTANCE.**

16 (b) A person who, in good faith, seeks, provides, or assists with the provision of
17 medical assistance for a person **REASONABLY BELIEVED TO BE** experiencing a medical
18 emergency after ingesting or using alcohol or drugs shall be immune from criminal
19 **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114,
20 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST,**
21 **CHARGE, OR** prosecution was obtained solely as a result of the person’s seeking, providing,
22 or assisting with the provision of medical assistance.

23 (c) A person who [experiences] **REASONABLY BELIEVES THAT THE PERSON IS**
24 **EXPERIENCING** a medical emergency after ingesting or using alcohol or drugs shall be
25 immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601,
26 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for
27 the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of [another
28 person’s] **THE PERSON** seeking **OR RECEIVING** medical assistance.

29 **(D) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF**
30 **MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTIONS (B) OR (C) OF THIS**
31 **SECTION MAY NOT BE SANCTIONED FOR A VIOLATION OF A CONDITION OF PRETRIAL**
32 **RELEASE, PROBATION, OR PAROLE IF THE EVIDENCE OF THE VIOLATION WAS**
33 **OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR**
34 **ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.**

1 ~~(E) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF~~
2 ~~MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTIONS (B) OR (C) OF THIS~~
3 ~~SECTION MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION WITH AN~~
4 ~~OUTSTANDING WARRANT IF THE DETENTION OR PROSECUTION IS MADE POSSIBLE~~
5 ~~SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH~~
6 ~~THE PROVISION OF MEDICAL ASSISTANCE.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.