

HOUSE BILL 799

E2, E1

8lr2476
CF SB 625

By: **Delegates J. Lewis and Morhaim**

Introduced and read first time: February 1, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Medical Emergency – Immunity**

3 FOR the purpose of altering a provision of law to specify that a person who is experiencing
4 a medical emergency, rather than a person who reasonably believes that the person
5 is experiencing a medical emergency, after ingesting or using alcohol or drugs is
6 immune from criminal arrest, charge, or prosecution for a certain violation if the
7 evidence for the arrest, charge, or prosecution was obtained solely as a result of the
8 person seeking or receiving medical assistance; making a clarifying change; and
9 generally relating to medical emergencies and criminal immunity.

10 BY repealing and reenacting, with amendments,
11 Article – Criminal Procedure
12 Section 1–210
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2017 Supplement)

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

17 **Article – Criminal Procedure**

18 1–210.

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

22 (1) the person who experienced the medical emergency; or

23 (2) any person who sought, provided, or assisted in the provision of medical
24 assistance.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) A person who, in good faith, seeks, provides, or assists with the provision of
2 medical assistance for a person reasonably believed to be experiencing a medical emergency
3 after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or
4 prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of
5 the Criminal Law Article if the evidence for the criminal arrest, charge, or prosecution was
6 obtained solely as a result of the person’s seeking, providing, or assisting with the provision
7 of medical assistance.

8 (c) A person who [reasonably believes that the person] is experiencing a medical
9 emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest,
10 charge, or prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or §
11 10–117 of the Criminal Law Article if the evidence for the criminal arrest, charge, or
12 prosecution was obtained solely as a result of the person seeking or receiving medical
13 assistance.

14 (d) A person who seeks, provides, or assists with the provision of medical
15 assistance in accordance with subsection (b) **OF THIS SECTION** or **WHO IS EXPERIENCING**
16 **A MEDICAL EMERGENCY IN ACCORDANCE WITH SUBSECTION (c)** of this section may not
17 be sanctioned for a violation of a condition of pretrial release, probation, or parole if the
18 evidence of the violation was obtained solely as a result of the person seeking, providing, or
19 assisting with the provision of medical assistance.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2018.