

SENATE BILL 546

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3lr2130
CF HB 427

By: **Senators Muse and Smith**

Introduced and read first time: February 3, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering certain provisions relating to immunity from criminal arrest,
4 charge, or prosecution for a person experiencing a medical emergency; and generally
5 relating to medical emergencies and criminal immunity.

6 BY repealing and reenacting, with amendments,
7 Article – Criminal Procedure
8 Section 1–210
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2022 Supplement)

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

13 **Article – Criminal Procedure**

14 1–210.

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

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

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

21 (b) A person who, in good faith, seeks, provides, or assists with the provision of
22 medical assistance for a person reasonably believed to be experiencing a medical emergency
23 after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of
2 the Criminal Law Article if the evidence for the criminal arrest, charge, or prosecution was
3 obtained solely as a result of the person’s seeking, providing, or assisting with the provision
4 of medical assistance.

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2023.