

CHAPTER 714

(House Bill 1273)

AN ACT concerning

~~Criminal Law – Limited Immunity – Seeking Medical Assistance for Alcohol or Drug Related Overdose~~

Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion – Mitigating Factor

FOR the purpose of ~~providing that a certain person who seeks medical assistance for a person experiencing an alcohol or a drug related overdose may not be charged with or prosecuted for a certain crime under certain circumstances; providing that a certain person who seeks medical assistance for a person experiencing an alcohol or a drug related overdose may not be detained on a certain warrant under certain circumstances; providing that a person who seeks medical assistance for a person experiencing an alcohol or a drug related overdose may not be required to provide personal identifying information except for a certain purpose of assisting in certain medical treatment; creating a certain exception; providing that a certain person experiencing an alcohol or a drug related overdose may not be charged with or prosecuted for a certain crime under certain circumstances; providing that a certain person experiencing an alcohol or a drug related overdose may not be detained on a certain warrant under certain circumstances;~~ providing that the act of seeking medical assistance for ~~a~~ another certain person who is experiencing a medical emergency after ingesting alcohol or drugs may be used as a mitigating factor in a certain criminal prosecution; and generally relating to ~~limited immunity for seeking medical assistance for an alcohol or a drug related overdose~~ medical emergencies after alcohol or drug ingestion.

BY adding to

Article – ~~Criminal Law~~ Procedure
Section ~~5-601.1~~ 1-209
Annotated Code of Maryland
(~~2002 Volume and 2008 Supplement~~)
(2008 Replacement Volume)

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

Article – ~~Criminal Law~~ Procedure

~~5-601.1.~~

~~(A) (1) A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING AN ALCOHOL OR A DRUG RELATED OVERDOSE MAY NOT BE:~~

~~(I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF SEEKING MEDICAL ASSISTANCE;~~

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

~~(III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL TREATMENT OF THE PERSON EXPERIENCING AN ALCOHOL OR A DRUG RELATED OVERDOSE.~~

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

~~(B) A PERSON WHO EXPERIENCES AN ALCOHOL OR A DRUG RELATED OVERDOSE AND IS IN NEED OF MEDICAL ASSISTANCE MAY NOT BE:~~

~~(1) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A RESULT OF THE OVERDOSE AND THE SEEKING OF MEDICAL ASSISTANCE; AND~~

~~(2) DETAINED ON AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT.~~

1-209.

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.

Approved by the Governor, May 19, 2009.