

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1273
Judiciary

(Delegate Valderrama, *et al.*)

Judicial Proceedings

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

This bill specifies that the act of seeking medical assistance for a person who is experiencing a medical emergency after ingesting alcohol or drugs may be used as a mitigating factor in a criminal prosecution.

Fiscal Summary

State Effect: None. State operations or finances will not be materially affected by the bill's provisions.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from possessing or administering to another a controlled dangerous substance unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice. A violator is guilty of a misdemeanor and subject to maximum penalties of four years imprisonment and/or a \$25,000 fine. A person who violates these provisions involving the use or possession of marijuana is subject to maximum penalties of one year imprisonment and/or a \$1,000 fine.

Background: According to the Centers for Disease Control and Prevention, more than 50 people die of unintentional drug overdoses each day in the United States. The rate of deadly drug overdoses has increased nearly 70% since 1999.

In 2007, in an effort to promote drug overdose reporting, New Mexico became the first state to grant limited immunity from drug possession charges for those drug users, family members, and acquaintances who call 911.

According to the most recent data from the Uniform Crime Report, in 2007 there were 42,162 arrests for drug possession in Maryland.

Additional Information

Prior Introductions: HB 1390 of 2008 passed the House (as amended) and received a hearing before the Senate Judicial Proceedings Committee. No further action was taken.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of State Police, Office of the Public Defender, Department of Public Safety and Correctional Services, State's Attorneys' Association, Department of Legislative Services

Fiscal Note History: First Reader - March 17, 2009
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