

SENATE BILL 476

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4r2722
CF HB 342

By: **Senator Colburn**

Introduced and read first time: January 27, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Seeking Medical Assistance for Another Who Ingested**
3 **Alcohol or Drugs – Minors**

4 FOR the purpose of providing that a minor who, in good faith, seeks medical
5 assistance for another person who is experiencing a medical emergency after
6 ingesting alcohol or drugs may not be charged with or prosecuted for certain
7 crimes, be detained on an outstanding warrant for another nonviolent crime
8 under certain circumstances, or be required to provide any personal identifying
9 information for a certain purpose; creating a certain exception; and generally
10 relating to the seeking of medical assistance for another person who ingested
11 alcohol or drugs.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Procedure
14 Section 1–210
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2013 Supplement)

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

19 **Article – Criminal Procedure**

20 1–210.

21 **(A)** The act of seeking medical assistance for another person who is
22 experiencing a medical emergency after ingesting alcohol or drugs may be used as a
23 mitigating factor in a criminal prosecution.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) (1) A MINOR WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE**
2 **FOR ANOTHER PERSON WHO IS EXPERIENCING A MEDICAL EMERGENCY AFTER**
3 **INGESTING ALCOHOL OR DRUGS MAY NOT BE:**

4 **(I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A**
5 **CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THE CRIMINAL LAW**
6 **ARTICLE OR UNDERAGE POSSESSION OF ALCOHOL UNDER § 10-114 OF THE**
7 **CRIMINAL LAW ARTICLE IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION**
8 **WAS OBTAINED SOLELY AS A RESULT OF THE MINOR SEEKING MEDICAL**
9 **ASSISTANCE;**

10 **(II) DETAINED ON AN OUTSTANDING WARRANT FOR**
11 **ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE BY**
12 **THE MINOR IS THE REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT; OR**

13 **(III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING**
14 **INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL**
15 **TREATMENT OF THE PERSON EXPERIENCING A MEDICAL EMERGENCY.**

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2014.