

Chapter 375

(Senate Bill 654)

AN ACT concerning

Criminal Procedure – Immunity – Alcohol– or Drug–Related Medical Emergencies

FOR the purpose of establishing that the act of seeking assistance by a person who experiences a medical emergency after ingesting or using alcohol or drugs may be used as a mitigating factor in a criminal prosecution of the person; altering a certain provision providing certain immunity to a person who seeks, provides, or assists with the provision of certain medical assistance by providing the immunity from a criminal arrest, charge, or prosecution and providing immunity when a person is reasonably believed to be experiencing a medical emergency rather than when the person is experiencing a medical emergency; altering a certain provision providing certain immunity to a person who seeks certain medical assistance by providing immunity from a criminal arrest, charge, or prosecution and providing immunity when the person reasonably believes that the person is experiencing a medical emergency rather than when the person is experiencing a medical emergency; extending the applicability of certain immunity provisions to certain drug paraphernalia offenses and certain persons who receive certain medical assistance; prohibiting a person who seeks, provides, or assists with the provision of certain medical assistance from being sanctioned for a violation of a condition of pretrial release, probation, or parole under certain circumstances; ~~prohibiting a person who seeks, provides, or assists with the provision of certain medical assistance from being detained or prosecuted in connection with an outstanding warrant under certain circumstances~~; clarifying certain language; and generally relating to immunity and alcohol– or drug–related medical emergencies.

BY repealing and reenacting, with amendments,
 Article – Criminal Procedure
 Section 1–210
 Annotated Code of Maryland
 (2008 Replacement Volume and 2014 Supplement)

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

Article – Criminal Procedure

1–210.

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

(1) THE PERSON WHO EXPERIENCED THE MEDICAL EMERGENCY; OR

(2) ANY PERSON WHO SOUGHT, PROVIDED, OR ASSISTED IN THE PROVISION OF MEDICAL ASSISTANCE.

(b) A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person **REASONABLY BELIEVED TO BE** experiencing a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5-601, 5-619, **5-620**, 10-114, 10-116, and 10-117 of the Criminal Law Article if the evidence for the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of the person's seeking, providing, or assisting with the provision of medical assistance.

(c) A person who [experiences] **REASONABLY BELIEVES THAT THE PERSON IS EXPERIENCING** a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5-601, 5-619, **5-620**, 10-114, 10-116, and 10-117 of the Criminal Law Article if the evidence for the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of [another person's] **THE PERSON** seeking **OR RECEIVING** medical assistance.

(D) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION MAY NOT BE SANCTIONED FOR A VIOLATION OF A CONDITION OF PRETRIAL RELEASE, PROBATION, OR PAROLE IF THE EVIDENCE OF THE VIOLATION WAS OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.

~~**(E) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION WITH AN OUTSTANDING WARRANT IF THE DETENTION OR PROSECUTION IS MADE POSSIBLE SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015.

Approved by the Governor, May 12, 2015.