

# HOUSE BILL 1009

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5lr2066  
CF SB 654

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By: **Delegates Smith, Luedtke, Moon, Morales, Platt, and Tarlau**

Introduced and read first time: February 13, 2015

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Immunity – Alcohol– or Drug–Related Medical**  
3 **Emergencies**

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

25 BY repealing and reenacting, with amendments,  
26 Article – Criminal Procedure  
27 Section 1–210  
28 Annotated Code of Maryland  
29 (2008 Replacement Volume and 2014 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 1–210.

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

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

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

11 (b) A person who, in good faith, seeks, provides, or assists with the provision of  
12 medical assistance for a person **REASONABLY BELIEVED TO BE** experiencing a medical  
13 emergency after ingesting or using alcohol or drugs shall be immune from criminal  
14 **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114,  
15 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST,**  
16 **CHARGE, OR** prosecution was obtained solely as a result of the person’s seeking, providing,  
17 or assisting with the provision of medical assistance.

18 (c) A person who [experiences] **REASONABLY BELIEVES THAT THE PERSON IS**  
19 **EXPERIENCING** a medical emergency after ingesting or using alcohol or drugs shall be  
20 immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601,  
21 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for  
22 the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of [another  
23 person’s] **THE PERSON** seeking **OR RECEIVING** medical assistance.

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

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

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