

# HOUSE BILL 427

E2  
HB 190/22 – JUD

3lr0743  
CF SB 546

---

By: **Delegates Cardin, Boaf, Foley, Lopez, McComas, and Terrasa**

Introduced and read first time: January 30, 2023

Assigned to: Judiciary

---

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2023

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Criminal Procedure – Medical Emergency – Immunity**

3 FOR the purpose of altering certain provisions relating to immunity from criminal arrest,  
4 charge, or prosecution for a person experiencing a medical emergency; and generally  
5 relating to medical emergencies and criminal immunity.

6 BY repealing and reenacting, with amendments,  
7 Article – Criminal Procedure  
8 Section 1–210  
9 Annotated Code of Maryland  
10 (2018 Replacement Volume and 2022 Supplement)

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

13 **Article – Criminal Procedure**

14 1–210.

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

18 (1) the person who experienced the medical emergency; or

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1                   (2)     any person who sought, provided, or assisted in the provision of medical  
2 assistance.

3                   (b)     A person who, in good faith, seeks, provides, or assists with the provision of  
4 medical assistance for a person reasonably believed to be experiencing a medical emergency  
5 after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or  
6 prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of  
7 the Criminal Law Article if the evidence for the criminal arrest, charge, or prosecution was  
8 obtained solely as a result of the person’s seeking, providing, or assisting with the provision  
9 of medical assistance.

10                  (c)     A person who [reasonably believes that the person] is experiencing a medical  
11 emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest,  
12 charge, or prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or §  
13 10–117 of the Criminal Law Article if the evidence for the criminal arrest, charge, or  
14 prosecution was obtained solely as a result of the person seeking or receiving medical  
15 assistance.

16                  (d)     A person who seeks, provides, or assists with the provision of medical  
17 assistance in accordance with subsection (b) **OF THIS SECTION** or **WHO IS EXPERIENCING**  
18 **A MEDICAL EMERGENCY IN ACCORDANCE WITH SUBSECTION** (c) of this section may not  
19 be sanctioned for a violation of a condition of pretrial release, probation, or parole if the  
20 evidence of the violation was obtained solely as a result of the person seeking, providing,  
21 [or] assisting with, **OR RECEIVING** the provision of medical assistance.

22                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2023.

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.