

Chapter 718

(Senate Bill 546)

AN ACT concerning

Criminal Procedure – Medical Emergency – Immunity

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

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 1–210
Annotated Code of Maryland
(2018 Replacement Volume and 2022 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, or § 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 [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, or § 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 seeking or receiving medical

assistance.

(d) A person who seeks, provides, or assists with the provision of medical assistance in accordance with subsection (b) **OF THIS SECTION** or **WHO IS EXPERIENCING A MEDICAL EMERGENCY IN ACCORDANCE WITH SUBSECTION** (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, **OR RECEIVING** the provision of medical assistance.

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

Approved by the Governor, May 16, 2023.