

BHSB_FAV_SB 849

Uploaded by: ciekot, ann

Position: FAV



March 5, 2020

**Senate Judicial Proceedings Committee
TESTIMONY IN SUPPORT OF SB 849**

Behavioral Health System Baltimore (BHSB) is a nonprofit organization responsible for managing Baltimore City's public behavioral health system—the system of care that addresses emotional health and well-being and provides services for individuals with substance use and mental health disorders. As such, BHSB serves as the local behavioral health authority (LBHA) for Baltimore City and works to increase access to a full range of quality behavioral health services and advocates for innovative approaches to prevention, early intervention, treatment and recovery to help build healthier individuals, stronger families and safer communities.

Behavioral Health System Baltimore supports SB 849- Criminal Procedure-Medical Emergency-Immunity. This bill alters a provision of law to specify that a person who is experiencing a medical emergency, after ingesting or using alcohol or drugs is immune from criminal arrest, charge, or prosecution if the evidence was obtained solely because of the person seeking or receiving medical assistance. In addition, it expands the offense that people are immune from to include all misdemeanor offenses and possession with intent to distribute as well as prohibits a person from being detained or prosecuted in connection with an outstanding warrant of another nonviolent crime if the only reason the police are involved is due to someone calling to save someone's life.

In Maryland, the total number of overdose deaths has risen steadily since 2010, mainly due to the increase in opioid-related deaths. Most of these fatalities are concentrated in Baltimore, Maryland's largest city. According to data released by the Maryland Department of Health, in the first quarter of 2019 the number of opioid-related deaths in Baltimore City increased slightly accounting for 44% of all Maryland overdose deaths

In 2015, Maryland passed SB 654 also known as the Good Samaritan Law (GSL) to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. The Maryland Good Samaritan Law extends immunity from low-level drug charges and/or parole violation to overdose victims of bystanders who call 911, or otherwise seek medical attention.

BHSB conducted research on implementation of the Good Samaritan Law in Maryland and found overdose often occurs in the presence of one or more bystanders. Research found that many people are known to delay or refrain from calling 911 due to fear of arrest for drug or paraphernalia possession, homicide, outstanding warrants, and/or trespassing.¹ Many people also do not believe the GSL will protect them when responding to an overdose.

BHSB supports HB 738 because it provides a necessary technical clarification to ensure that persons who are experiencing a medical emergency are covered under the Maryland Good Samaritan Law. It was the original intent of the law to provide immunity for persons providing assistance for someone who was experiencing an overdose as well as the person experiencing the overdose. **As such, BHSB urges the Senate Judicial Proceedings Committee to support SB 849.**

¹ Latimore. A, Bergstein. R, *International Journal of Drug Policy*, "Caught with a body" yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law, November 2017.

HCH_FAV_SB 849

Uploaded by: ciekot, ann

Position: FAV

**HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
SB 849 – Criminal Procedure – Medical Emergency – Immunity**

**Senate Judicial Proceedings Committee
March 5, 2020**



Health Care for the Homeless supports SB 849, which would 1) clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help; 2) expand the offenses that people are immune from to include all misdemeanor offenses, possession with intent to distribute (not volume or king pin dealing); and 3) prohibit a person from being detained or prosecuted in connection with an outstanding warrant of another nonviolent crime if the only reason the police are involved is because of someone calling to save someone's life.

In 2016, Maryland sustained 1816 opioid-related deaths, a 70% increase from 2015 and a four-fold increase since 2010. Heroin-related deaths increased by 62% (from 748 to 1212) between 2015 and 2016, and fentanyl-related deaths more than tripled (from 340 to 1119).¹ In 2015, Maryland enacted a "Good Samaritan" law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This was a life-saving measure, but gaps remain in the law that prevent people from seeking life-saving interventions.

Our clients at Health Care for the Homeless routinely experience fears about arrest or interaction with police. Several clients fear that calling 911 might disrupt their housing stability. For example, they fear eviction from abandoned houses, in addition to arrest for burglary or trespassing. One client declined to call 911 after an overdose in the abandoned house where he was living, because he "didn't want not to have no place to go."² More stably housed participants feared eviction, as well. Interventions designed to encourage bystanders to stay at the scene to provide paramedics with information, or to call 911 without delay, may expedite emergency medical care and have a greater life-saving effect than interventions solely aiming to increase bystander 911 calls.³

Persistent gaps in Maryland's Good Samaritan law, deterring people from seeking life-saving help.⁴ We fully support SB 849, which will close these gaps and encourage people who are overdosing to seek the help they need. Therefore, Health Care for the Homeless respectfully requests a favorable report on this bill.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit www.hchmd.org.

¹ Maryland Department of Health and Mental Hygiene, *Drug and alcohol related intoxication deaths in Maryland, 2016* (2017), available at http://bha.dhmd.maryland.gov/OVERDOSE_PREVENTION/Documents/2015.05.19-Annual OD Report 2014_merged file final.pdf.

² Amanda D. Latimore, et al., International Journal of Drug Policy, "Caught with a body" yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law (2017), available at <https://www.sciencedirect.com/science/article/abs/pii/S0955395917302888?via%3Dihub>.

³ *Id.*

⁴ *Id.*

Latimore_FAV_SB 849

Uploaded by: ciekot, ann

Position: FAV

**TESTIMONY IN SUPPORT OF SB 0849:
Criminal Procedure - Medical Emergency – Immunity**

TO: Hon. William C Smith Jr, Chair, and members of the Judiciary Proceedings Committee
FROM: Amanda Latimore, PhD, Faculty Johns Hopkins Bloomberg School of Public Health
DATE: February 25, 2020

My name is Amanda Latimore and I am an epidemiologist and faculty member at the Johns Hopkins Bloomberg School of Public Health. I have over 15 years of experience working on health issues related to drug use, the last 5 of which have been focused on helping policy-makers like you and state and municipal governments across the US address the opioid crisis.

Maryland's current Good Samaritan Law is a good faith effort to reduce barriers to emergency medical care after overdose, based on the rationale that overdose bystanders will be more likely to call 911 if they are offered legal immunity. However, I led research which suggests that **many fears held by overdose bystanders are not addressed by the current law**. We interviewed overdose bystanders after Maryland's Good Samaritan Law was implemented and here's what they had to say:

*"Don't nobody want to go to jail. But at the same time, sometimes you feel like, "I'm trying to help somebody." At the same time you try to help them, you end up going to jail. So then it starts to the point where people don't want to help nobody, because instead of [the police] helping the person that [bystanders] called for, they[re] real busy on trying to see what [bystanders are] doing to take [them] to jail. You know, that's why a lot of people be like, "Man, I ain't telephon[ing] s**t."*

Drug possession is a deterrent for calling 911. People reported being interrogated about where they bought drugs and from whom, questioning about other crimes in the area, collecting IDs and running background checks, and conducting physical searches.

Oh, they'll run your name. They run everybody's name that's there. I had seen them come one time. Usually, the paramedics are called, whatever it is. The police usually come, too, and they'll search the car for drugs or whatever, 'cause there was an instance where I see somebody had drugs in the car and called 'cause somebody overdose. They come to search, see if they had any more drugs, and then they'll run everybody's name that was in that car, see who was who and if they gotta take anybody to jail or whatnot"

Threats of charges is a deterrent for calling 911. Several participants also feared arrest for outstanding warrants, and/or for trespassing on abandoned properties. They described police officers threatening them with manslaughter charges if they didn't talk. Sometimes these threats had to do with the drug supplier and sometimes these threats were an attempt to extract information for a completely different investigation, like a shooting.

"If they see that I'm on parole or probation and see my card or something you have some police that will use that to threaten you."

"You got to be careful of what you do when you help an OD person. Anything could happen that will get [police] to turn the attention on to you..."

Calling 911 during an overdose can be the difference between life and death. While the law was designed to alleviate fears of those seeking to help for someone who just overdosed, people remain widely fearful of arrest for drug or paraphernalia possession, homicide, outstanding warrants, and/or trespassing. Officers may be acting within the letter of the law, but some may not be acting in the SPIRIT of the law. This must be addressed through police education and policies that **treat the scene of an overdose like a medical event, not a crime**.

I urge you to support SB 0849.

MATOD_FAV_SB 849

Uploaded by: ciekot, ann

Position: FAV



Senate Judicial Proceedings Committee

March 5, 2020

Support of Senate Bill 849

The Maryland Association for the Treatment of Opioid Dependence (MATOD) urges a favorable opinion on SB 849.

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Drug overdoses are a serious public health challenge in Maryland and across the country. In Maryland, the total number of overdose deaths has risen steadily since 2010, mainly due to the increase in opioid-related deaths. In 2014, Maryland enacted a “Good Samaritan” law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This is a life-saving measure, but people will not call 911 if they believe they will be arrested because of their involvement.

Senate Bill 849 will build on our existing law to do three things:

- Clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help;
- Expand the offenses that people are immune from to include all misdemeanor offenses and possession with intent to distribute (not volume or king pin dealing); and
- Prohibit a person from being detained or prosecuted in connection with an outstanding warrant of another nonviolent crime if the only reason the police are involved is because of someone calling to save someone’s life.

Maryland’s law currently provides protection from arrest and prosecution for certain specific crimes and expands the charges from which people assisting in an emergency overdose situation are immune. If someone calls 911 in an effort to help during an overdose crisis, or they are experiencing an overdose, their parole and probation status will not be affected, and they will now not be arrested, charged, or prosecuted for:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

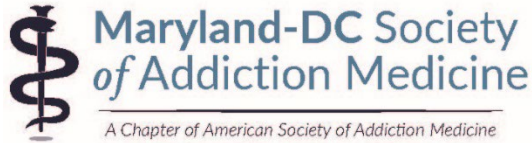
This law covers any kind of overdose, whether it is related to opioids or alcohol or other drugs. We urge a favorable opinion on SB 849.

MATOD members include community and hospital based Opioid Treatment Programs, local Health Departments, local Addiction and Behavioral Health Authorities and Maryland organizations that support evidence-based Medication Assisted Treatment. MATOD members include thousands of highly trained and dedicated addiction counselors, clinical social workers, physicians, nurse practitioners, physician assistants, nurses, peer recovery specialists and dedicated staff who work every day to save and transform lives.

MDDCSAM_FAV_SB 849

Uploaded by: ciekot, ann

Position: FAV



SB 849 Criminal Procedure - Medical Emergency – Immunity

Senate Judicial Proceedings Committee March 5th, 2020

SUPPORT

Early engagement with emergency medical treatment for drug overdoses and other related medical emergencies saves lives. **We should do everything in our power to remove barriers to accessing timely emergency medical care.**

Fear of legal repercussions can often prevent our patients, or those surrounding them, from calling for emergency medical help after drug overdoses and other associated medical emergencies. Drug overdoses, in particular, can proceed to death or severe anoxic brain injury **within minutes** – prompt medical attention is of paramount importance. **We can reduce statewide overdose mortality rates by expanding Maryland’s Good Samaritan laws and passing this bill.**

Good Samaritan laws have been a vital component in the effort to improve outcomes for our patients. Now passed in a majority of states, Good Samaritan laws have consistently been associated with reductions in drug-related overdose deaths, and have not been associated with increased drug use or criminal activity. **These laws save lives.**

This bill will build upon the positive impact from HB 799/SB 625 (passed in 2018) and will further protect our patients by reducing fears about legal repercussions for non-violent offenses when calling for emergency medical services.

As addiction providers, we cannot help patients who have already died from an overdose. Please support this law that will save lives, so we can continue to provide these patients with addiction treatment and a pathway to long-term recovery.

NCADD_FAV_SB 849

Uploaded by: ciekot, ann

Position: FAV



**Senate Judicial Proceedings Committee
March 5, 2020**

**Senate Bill 849
Criminal Procedure - Medical Emergency - Immunity**

Support

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) supports Senate Bill 849 to expand the state's "Good Samaritan Law" that is meant to encourage people to call for help when someone is experiencing an overdose or other substance-related medical emergency.

Drug overdoses continue to be a serious public health challenge in Maryland and across the country. In Maryland, the total number of overdose deaths has risen steadily since 2010, mainly due to the increase in opioid-related deaths. In 2014, Maryland enacted a Good Samaritan law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This is a life-saving measure, with a State-sponsored public education campaign whose message is "Don't run – call 911." But people will not call 911 if they believe they will be arrested because of their involvement.

Maryland's law currently provides protection from arrest, charge and prosecution for certain specific crimes:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

House Bill 738 will build on our existing law to do three things:

- 1) Clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help;
- 2) Expand the offenses that people are immune from to include:
 - All misdemeanor offenses;
 - Possession with intent to distribute (not volume or king pin dealing); and
- 3) Prohibit a person from being detained or prosecuted in connection with an outstanding warrant of another nonviolent crime if the only reason the police are involved is because of someone calling to save someone's life.

(over)

We need to expand the immunities provided in this law because we have seen too many instances where law enforcement seems to intentionally find other offenses with which to charge someone at the scene of an overdose. A recently released study, the Statewide Ethnographic Assessment of Drug Use Services (SEADS)¹, commissioned by the Maryland Department of Health, interviewed hundreds of people using drugs, providers, and other stakeholders, to learn more about the characteristics of drug use in Maryland's jurisdictions and what the barriers to and gaps in services are.

From the Central Maryland region of the state, the findings included, "Many people who use drugs were aware of the Good Samaritan law, but described incidences where law enforcement didn't abide by the law and worried about loopholes that allowed police to legally arrest them." Also, "There is a need for attention to Good Samaritan law implementation and to address appropriate response in the context of outstanding warrants."

From Dorchester County, the report found, "There was some indication that people who use drugs knew about the Good Samaritan Law; however, there was mixed willingness to call the police in the event of an overdose for fear of negative consequences."

And From Frederick County, the report found, "Both people who use drugs and stakeholders noted examples of emergency overdose response that resulted in arrest. Some of these had reached public attention and thus reinforced concerns about effective implementation of the Good Samaritan Law."

At its most fundamental level, the problem is that overdose scenes are treated as crime scenes instead of health crisis scenes. We understand that police want to investigate and find upstream volume dealers. But the approach creates fear and distrust among people who use drugs. Until we shift the framework through which we approach overdoses to one where providing a public health intervention is paramount, there will always be people too scared to call for help. And the death toll will continue to rise.

We urge your support of Senate Bill 849.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

¹ Statewide Ethnographic Assessment of Drug Use and Services, October 2019. Maryland Department of Health

State's Atty Balt City_Mosby_FAV_SB 849

Uploaded by: haslam, jeneffer

Position: FAV



March 5, 2020

Senator William C. Smith, Jr.
Chair, Judicial Proceedings
House Office Building
11 Bladen Street
Annapolis, MD 21401

Re: SB849 Criminal Procedure - Medical Emergency - Immunity

Dear Chairman Smith and Committee Members,

I am writing to express my support for SB 849 Criminal Procedure- Medical Emergency-Immunity. Simply put, this bill will save lives without having any negative impact on public safety. We must always be grateful for the role that paramedics have played in the overdose crisis, but the truth is that many overdoses occur in the presence of other drug users. The first responder at an overdose scene is most often not a paramedic, but another drug user. The fear of arrest can make other drug users flee the scene rather than calling emergency services.

This is especially pertinent when it comes to fentanyl. Fentanyl use in Baltimore is prevalent, and the onset of a fentanyl overdose is immediate, making the timing of arrival of help urgent in order to save a life. Users can and do die before paramedics arrive.

Therefore, we have to expand our current laws to make it easier for drug users to contact emergency services in the event of an overdose scene. I believe we can expand this law and reduce overdose deaths without any adverse impact on public safety. The expanded legislation proposed in this bill will close the gaps in the current law that prevents prosecution for drug possession if the arrest occurred at an overdose scene. The new proposal adds misdemeanor offenses – such as trespassing in a vacant property – to the list of offenses that would receive immunity from prosecution. It would also prevent the execution of warrants for nonviolent crime at the scent of the overdose. This bill additionally ensure immunity for all of those victims at the scene of an overdose seeking help.

We must do everything in our power to reduce overdose deaths. In 2018, the latest year with published data, Baltimore reported 888 drug overdose deaths. Baltimore is not alone. In the United States, we had over 70,000 drug overdose deaths. The overdose rate in our city overwhelmingly impacts people of color.

In 2013, Vermont approved a similarly expansive Good Samaritan law, which has been successfully implement and has not any negative impact on public safety. The state has been praised for its approach to the opioid crisis.

STATE'S ATTORNEY
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY
120 East Baltimore Street | Baltimore, Maryland 21202

We must bring our state into line with forward-thinking creative approaches to the overdose crisis. This bill can save lives at a time when we are losing too many people in our communities. I respectfully urge your favorable report for SB 849.

Thank you for your consideration.
Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is fluid and cursive, with the first name "Marilyn" and last name "Mosby" clearly legible.

Marilyn J. Mosby
State's Attorney for Baltimore City

Lopez_FAV_SB 849

Uploaded by: Lopez, Andrea

Position: FAV

March 5, 2020

Chairman Will Smith
Senate Judicial Proceedings Committee
Miller Senate Building
11 Bladen Street
Annapolis MD, 21401

RE: SUPPORT of Senate Bill 0849
(Criminal Procedure – Medical Emergency - Immunity)

Dear Chairman Smith and Senate Judicial Proceedings Committee Members,

My name is Dr. Andrea Lopez, I am a medical anthropologist, public health researcher, and Assistant Professor in the Department of Anthropology at the University of Maryland, College Park. For the last two decades I have worked both in direct service and/or drug treatment programs as well as conducted numerous behavioral research studies with people who use drugs (PWUD).

I am also one of the Principal Investigators of a recent study, the Statewide Ethnographic Assessment of Drug Use and Services (SEADS). The SEADS Study investigated the experiences of people who use drugs and stakeholders across the state in order to understand drug use patterns, barriers/facilitators to services, and the potential to expand services in order to directly address negative health outcomes among PWUD in Maryland. SEADS is a robust dataset based on research with close to 500 people across the state and we have extensive findings related to people's experiences with overdose in Maryland.

Based on our data I am writing to express my strong support of SB0849 because:

- **While our existing legislation is an important component of our statewide overdose response plan, there are important gaps that need to be addressed so that its public health benefits are fully realized**
- **Strengthening our “Good Samaritan Law” through SB0849 will save lives in Maryland because it is more attentive to the complex realities of how people who use drugs experience stigma and criminalization at the time of an overdose**
- **People’s hesitance to engage with law enforcement is a barrier to public health best-practice. Addressing how a lack of trust in the existing law functions in relationship to the criminalization of drug use is essential for a comprehensive overdose response plan in Maryland.**

In 2018 (the most recent year for which we have complete data), 2406 people died from intoxication deaths in the state: 1888 from fentanyl, 379 from prescription opioids, and 830 from heroin. The State has invested critical resources in establishing overdose response programs in each County, but there remain key stumbling blocks with respect to whether people are willing to call 911 at the time of an overdose. **These stumbling blocks are primarily centered around a lack of trust in the existing law and fear of calling 911 or offering aid because it will subject**

them to arrest. SB0849 strengthens Maryland’s “Good Samaritan Law” and sends a message that, as a state, we value a public health approach that protects people who experience or witness overdoses to the fullest extent possible.

In our study, people who use drugs emphasized the need to build trust and transparency with respect to the law as well as engagement with police at the time of an overdose:

“I feel like if more people even knew about the law...because the first time I even heard about [it] was here [at community-based agency]. People are still going to be hesitant. It’s still scary to call the cops. It’s a scary thing, especially if you’re on drugs. Your experience...and sadly, the experience with cops around...is they’re just out to get you. They’re not there to help you. They’re out to get you. So, just calling the cops is just one thing you just never want to do here, no matter what. –33-year-old man

Other study participants linked questions about racial equity and police enforcement practices to the effectiveness of the “Good Samaritan Law.” This suggests that there is a community perception that the law might be differentially applied to communities of color and fuels fears among people of color who witness overdoses among friends or family:

“But you really think that they won’t try to do nothing to you if you’re using too? And you help them? ...Man, these people will be trying to lock you up too. That’s the whole thing. You probably want to do right by somebody that’s out [overdosing], but then there’s so many other things that are going to come with that, play with it. Questions. Was you with him? You know? ...I’m not saying I wouldn’t trust it. I don’t know to be honest....I mean I hate to see anybody fall short, you know? Nowadays, you’ve got to really watch yourself. To get involved in stuff like that especially a person like me and where I come from...They probably think I gave it to them. I don’t trust the police at all...You’ve got to watch yourself...when they stop you, you’ve got to be mindful of everything with these people today because they shoot you and everything. It happens everywhere.” – 63-year-old Black man

SB0849 further protects community members who experience or witness an overdose by aligning with public health best-practices. The bill expands immunities to criminal violation and clarifies that enforcement practices should not disrupt the response to an acute medical emergency.

Sincerely,



Andrea M. Lopez, PhD

lopez@umd.edu

(The views expressed in this testimony are my own and not that of the University of Maryland.)

MCF_FAV_SB 849

Uploaded by: torsch, john

Position: FAV



SB 849 – Criminal Procedure – Medical Emergency - Immunity

Committee: Judicial Proceedings

Date: March 5, 2020

POSITION: Support

The Maryland Coalition of Families: Maryland Coalition of Families (MCF) helps families who care for someone with behavioral health needs. Using personal experience as parents, caregivers and other loved ones, our staff provide one-to-one peer support and navigation services to parents and caregivers of young people with mental health issues and to any loved one who cares for someone with a substance use or gambling issue.

MCF strongly supports SB 849.

No one needs to be reminded that we are in the middle of an opioid epidemic. While the number of overdoses in the first three-quarters of 2019 declined slightly from the same period in 2018, they declined only slightly. The number of overdoses are still unacceptably high.

For this reason Maryland must enact strong measures to continue to curb the number of overdoses. The state took steps in 2015 to encourage those who were observing a medical emergency related to the consumption of drugs or alcohol to call for help without fear of arrest or prosecution for:

- Possession of a controlled dangerous substance
- Possession or use of drug paraphernalia
- Providing alcohol to minors

SB 849 would continue this effort. In order to seek help for themselves, an individual who is experiencing a medical emergency related to the consumption of drugs or alcohol must feel free to seek out medical assistance (or have others seek medical assistance for them) without fear that they themselves will be prosecuted. Immunity must apply to both the observer and the person experiencing the medical emergency.

In order to further strengthen the law, SB 849 expands the offences for which an individual would be protected from arrest or prosecution. This will further encourage people to seek help.

The substance use staff of MCF serve as “Good Samaritan Ambassadors.” They train a broad range of groups about the Good Samaritan Law, including law enforcement, first responders, people residing in recovery houses or treatment centers, and civic groups.

We have heard of individuals not calling for help because they had an outstanding warrant. We don't want this to discourage people.

MCF helps families that care for a loved one with a substance use problem. We have twelve substance use staff who cover the state, some of whom have lost a child to an opioid overdose. Last year 46% of the families served by MCF's substance use staff had a loved one with an opioid use disorder. While all of the substance use families that we work with are desperate to get help for their loved one, the families who have a loved one with an opioid use disorder are especially desperate. They are facing a life or death situation on a daily basis. We would be grateful for whatever the Judicial Proceedings Committee can do to help these families.

Therefore we urge a favorable report on SB 849.

Contact: Ann Geddes
Director of Public Policy
The Maryland Coalition of Families
10632 Little Patuxent Parkway, Suite 234
Columbia, Maryland 21044
Phone: 443-741-8668
ageddes@mdcoalition.org

MCPA-MSA_UNF_SB 849

Uploaded by: Morris, Chief Dave

Position: UNF



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman, and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5, 2020

RE: **SB 849- Criminal Procedure - Medical Emergency - Immunity**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 849. This bill would greatly expand the immunity currently provided under Maryland's "Good Samaritan" law to include more serious offenses.

MCPA and MSA recognize the importance of encouraging those in need of emergency medical treatment to request such help. Current law appropriately provides protection for those who are merely engaged in the simple possession of a controlled dangerous substance. The narrow category of immunized offenses makes sense as a matter of policy and is also easy for officers and citizens to understand.

SB 849 unreasonably extends immunity beyond simple possession. This bill requires police and emergency responders to close their eyes to evidence of drug trafficking and any other misdemeanor they might encounter when responding to a call for medical assistance. The bill also provides immunity for any misdemeanor. To give but one example, if police respond to a medical assistance call and are told by the caller that the "patient" assaulted her before she called, her attacker could not be prosecuted for the assault.

SB 849 also provides immunity from detention *or prosecution* "in connection with an outstanding warrant" if contact with the wanted person occurred as a result of the call for medical assistance. Although limited to "another nonviolent crime," "nonviolent" is not defined. Second degree assault is not a crime of violence under the Criminal Law Article. A person with an outstanding warrant for domestic assault could not be arrested – and, under the language of this bill, not prosecuted. The same would be true for a person wanted for violating a protective order, stalking, second degree child abuse, abuse of a vulnerable adult, involuntary manslaughter and any other offense not a crime of violence. Again, police would be required to turn a blind eye to the fact that they have met a wanted person, leaving that person free to commit further crimes and continue to avoid appearing before a court.

For these reasons, MCPA and MSA OPPOSE SB 849 and urge an UNFAVORABLE Committee report.

SHELLENBERGER_UNF_SB849

Uploaded by: Shellenberger, Scott

Position: UNF

Bill Number: SB849
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY, IN
OPPOSITION TO SENATE BILL 849,
CRIMINAL PROCEDURE
MEDICAL EMERGENCY - IMMUNITY

I write in opposition of Senate Bill 849 which would expand immunity to those present when a medical emergency is called in.

First, I want to be clear that I support the general concept of what this bill is trying to do. In fact, I worked with staff last year on a version of this bill. Last year you submitted a bill regarding Criminal Procedure 1-210 which addressed a clarification to assure that the person actually suffering from the medical emergency was immune from prosecution for possession of the drug which may have caused the medical emergency. I still support that effort to make that clarification which is in Senate Bill 849. I am concerned, however, about how much further this year's bill goes from last years.

Senate Bill 849 would make a person immune from prosecution for distribution of CDS, possession with intent to distribute CDS, and any misdemeanor ascertained as a result of the police responding to the call for medical assistance. This causes me great concern. I can picture scenarios where this would cause a great miscarriage of justice. For example, if the police or medical personnel respond to learn that a person has injected a child or unconscious person with a drug or that a child has gotten into the stash of their parents drug dealer, this bill would appear to say that the drug dealer cannot be prosecuted. If, as another example, a person attempts to kill themselves by the ingestion of drugs because they were assaulted by the person who called in the medical emergency, then this bill appears to say that the person cannot be prosecuted for the assault. This could easily happen in domestic violence cases. These examples cannot be what you intend, but are the practical result of the bill.

In addition, paragraph (E) causes me concern. The police would be required to not act on their responsibility to obey an order of a court to take a person into custody if they discover an open warrant for a non-violent crime. I understand the thought process that a person may not call in a medical emergency if they know a warrant is out for their arrest. However, I think it is unrealistic that the person will go through their own thought process of knowing that this statute exists and are capable of assessing whether their warrant fits the definition of a non-violent crime under Maryland's statutory construction. I don't feel this effort will accomplish your aim.

I support your efforts in last year's bill, but I cannot support a bill which steps so much further. I look forward to working with you on this and am happy to help with amendments.

I urge an unfavorable report on Senate Bill 849.