

Testimony of the Human Trafficking Prevention Project

BILL NO: Senate Bill 546
TITLE: Criminal Procedure – Medical Emergency – Immunity
COMMITTEE: Judiciary
HEARING DATE: March 30, 2023
POSITION: **SUPPORT**

Senate Bill 546 will clarify that a person experiencing an overdose or substance-related medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help, and may also not be sanctioned for violations of pretrial release, probation, or parole as a result of receiving that medical assistance. **The Human Trafficking Prevention Project supports this bill because it will reduce the risk of overdose, incarceration, and re-exploitation for trafficking survivors, many of whom are using drugs to cope with the trauma of their trafficking experience.**

Drug overdoses continue to be a serious public health challenge in Maryland. The number of opioid-related deaths increased by 20% between 2019 and 2020, and preliminary data indicates a continued increase in 2021. 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 is a life-saving measure, with a State-sponsored public education campaign whose message is “Don’t run – call 911.”

Maryland’s law currently provides people with protection from arrest and prosecution for certain specific crimes and insulates them from other harms related to involvement in the criminal legal system if they assist in an emergency overdose situation. If someone calls 911 in an effort to help during an overdose crisis, their parole and probation status will not be affected, and they will not be arrested, charged, or prosecuted for certain offenses.¹ However, the individual experiencing the overdose is not similarly insulated. House Bill 427 will build on existing law by clarifying that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge prosecution, and violations as the person calling for help. **Unfortunately, the current legislation does not expand the number offenses that people are immune from to include all misdemeanor offenses as well as possession with intent to distribute, which was the case with last year’s version of the bill, House Bill 190.**²

This legislation that will reduce the harms that people using drugs face, many of whom are survivors of human trafficking, given that substance use is both a common predictor of, *and* a reaction to, this horrific crime. Many trafficking survivors report self-medicating to cope with past trauma and were trafficked as a direct result of this addiction, while those who have survived a trafficking experience often begin using substances as a means to cope with what has happened to them. These survivors are put at increased risk of overdose if they or the people around them do not feel comfortable calling for help when a drug-related emergency arises. Additionally, those individuals who are arrested as a direct result of a life-saving act will then find themselves put at heightened risk of re-exploitation because of the difficulty those with criminal records so commonly face in obtaining safe housing or gainful employment.

¹ MD CODE ANN. CRIM. LAW § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117.

² <https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0190/?ys=2022rs>.

Senate Bill 546 will reduce this potential harm by immunizing those who use drugs from prosecution for certain minor offenses as well as from violations of pretrial release, parole, or probation if they have a medical emergency while using. This commonsense bill will improve the health outcomes of all persons who use drugs, including trafficking survivors, and will reduce the risk of re-exploitation that trafficking survivors with criminal records face. **For these reasons, the Human Trafficking Prevention Project supports Senate Bill 546. We respectfully urge a favorable report.**

*For more information, please contact:
Jessica Emerson, LMSW, Esq.
Director, Human Trafficking Prevention Project
(E): jemerson@ubalt.edu*