

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1215
Criminal Procedure – Alcohol and Drug Offenses – Immunities -
Limitations
DATE: March 1, 2023
(3/9)
POSITION: Oppose

The Maryland Judiciary opposes House Bill 1215. This bill requires a person who, in good faith, seeks, provided, or assisted with the provision of medical assistance for a person who is 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.

The bill, as written, states that a person who receives immunity shall be referred to a substance use disorder treatment regulated by the Maryland Behavioral Health Administration. The bill does not consider or state who shall refer a person to substance use disorder treatment, as there is no underlying criminal and/or civil case since that person has not been arrested, charged, and/or prosecuted. It is unclear if this means a parent, neighbor, stranger, etc could be referred to drug treatment just for seeking medical assistance for an individual and if so, why he or she would need such treatment.

The bill also states that a person may not receive immunity if they have previously received immunity and failed to participate in the services to which they were referred to under this subsection. However, the bill does not address who is making the referral, tracking the number of instances requiring emergency medical assistance, tracking the number of referrals to substance use disorder treatment, and monitoring a person's successful participation in the referred treatment.

cc. Hon. William Wivell
Judicial Council
Legislative Committee