

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1390

(Delegate Valderrama, *et al.*)

Judiciary

Judicial Proceedings

Criminal Procedure - Medical Emergency After Alcohol or Drug Ingestion -
Mitigating Factor

The bill provides that the act of seeking medical assistance for a person who is experiencing a medical emergency after ingesting alcohol or drugs may be used as a mitigating factor in a criminal prosecution.

Fiscal Summary

State Effect: None. The bill would not materially impact the Judiciary.

Local Effect: None. The bill would not materially impact the circuit courts or the State's Attorney's Office.

Small Business Effect: None.

Analysis

Current Law: A person is prohibited from possessing or administering to another a controlled dangerous substance unless obtained directly or by prescription or order from an authorized provider acting in the course of professional practice. A violator is guilty of a misdemeanor and subject to maximum penalties of four years imprisonment and/or a \$25,000 fine. A person who violates these provisions involving the use or possession of marijuana is subject to maximum penalties of one year imprisonment and/or a \$1,000 fine.

Background: According to the Centers for Disease Control and Prevention, more than 50 people die of unintentional drug overdoses each day in the United States. The rate of deadly drug overdoses has increased nearly 70% since 1999.

In 2007, in an effort to promote drug overdose reporting, New Mexico became the first state to grant limited immunity from drug possession charges for those drug users, family members, and acquaintances who call 911.

In 2006, there were 42,900 arrests for drug possession in Maryland.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services, Centers for Disease Control and Prevention, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2008
mcp/jr Revised - House Third Reader - April 3, 2008

Analysis by: Jennifer K. Botts

Direct Inquiries to:
(410) 946-5510
(301) 970-5510