

HOUSE BILL 1273

E1

9lr2333

By: Delegates Valderrama, Anderson, Barnes, Carter, Conaway, Dumais,
Gutierrez, Kramer, Lee, Ramirez, Rosenberg, Schuler, and Vallario

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Criminal Law – Limited Immunity – Seeking Medical Assistance for Alcohol~~
3 ~~or Drug Related Overdose~~

4 Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion –
5 Mitigating Factor

6 FOR the purpose of ~~providing that a certain person who seeks medical assistance for a~~
7 ~~person experiencing an alcohol or a drug related overdose may not be charged~~
8 ~~with or prosecuted for a certain crime under certain circumstances; providing~~
9 ~~that a certain person who seeks medical assistance for a person experiencing an~~
10 ~~alcohol or a drug related overdose may not be detained on a certain warrant~~
11 ~~under certain circumstances; providing that a person who seeks medical~~
12 ~~assistance for a person experiencing an alcohol or a drug related overdose may~~
13 ~~not be required to provide personal identifying information except for a certain~~
14 ~~purpose of assisting in certain medical treatment; creating a certain exception;~~
15 ~~providing that a certain person experiencing an alcohol or a drug related~~
16 ~~overdose may not be charged with or prosecuted for a certain crime under~~
17 ~~certain circumstances; providing that a certain person experiencing an alcohol~~
18 ~~or a drug related overdose may not be detained on a certain warrant under~~
19 ~~certain circumstances; providing that the act of seeking medical assistance for a~~
20 another certain person who is experiencing a medical emergency after ingesting
21 alcohol or drugs may be used as a mitigating factor in a certain criminal
22 prosecution; and generally relating to limited immunity for seeking medical
23 assistance for an alcohol or a drug related overdose medical emergencies after
24 alcohol or drug ingestion.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Criminal ~~Law~~ Procedure
 3 Section ~~5-601.1~~ 1-209
 4 Annotated Code of Maryland
 5 (~~2002 Volume and 2008 Supplement~~)
 6 (2008 Replacement Volume)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article – Criminal ~~Law~~ Procedure**

10 **~~5-601.1.~~**

11 ~~(A) (1) A PERSON WHO, IN GOOD FAITH, SEEKS MEDICAL ASSISTANCE~~
 12 ~~FOR A PERSON EXPERIENCING AN ALCOHOL OR A DRUG RELATED OVERDOSE~~
 13 ~~MAY NOT BE:~~

14 ~~(I) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A~~
 15 ~~CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF~~
 16 ~~THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A~~
 17 ~~RESULT OF SEEKING MEDICAL ASSISTANCE;~~

18 ~~(II) DETAINED ON AN OUTSTANDING WARRANT FOR~~
 19 ~~ANOTHER NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE~~
 20 ~~REASON FOR THE ENCOUNTER WITH LAW ENFORCEMENT; OR~~

21 ~~(III) REQUIRED TO PROVIDE ANY PERSONAL IDENTIFYING~~
 22 ~~INFORMATION FOR ANY PURPOSE OTHER THAN ASSISTING IN THE MEDICAL~~
 23 ~~TREATMENT OF THE PERSON EXPERIENCING AN ALCOHOL OR A DRUG RELATED~~
 24 ~~OVERDOSE.~~

25 ~~(2) THIS SUBSECTION DOES NOT APPLY TO A PERSON WHO~~
 26 ~~PROVIDED, SOLD, GAVE, OR EXCHANGED FOR OTHER GOODS OR SERVICES THE~~
 27 ~~ALCOHOL OR DRUGS CAUSING THE OVERDOSE TO THE PERSON FOR WHOM~~
 28 ~~MEDICAL ASSISTANCE IS SOUGHT.~~

29 ~~(B) A PERSON WHO EXPERIENCES AN ALCOHOL OR A DRUG RELATED~~
 30 ~~OVERDOSE AND IS IN NEED OF MEDICAL ASSISTANCE MAY NOT BE:~~

31 ~~(1) CHARGED WITH OR PROSECUTED FOR POSSESSION OF A~~
 32 ~~CONTROLLED DANGEROUS SUBSTANCE UNDER § 5-601 OF THIS SUBTITLE IF~~
 33 ~~THE EVIDENCE FOR THE CRIMINAL PROSECUTION WAS OBTAINED SOLELY AS A~~
 34 ~~RESULT OF THE OVERDOSE AND THE SEEKING OF MEDICAL ASSISTANCE; AND~~

1 ~~(2) DETAINED ON AN OUTSTANDING WARRANT FOR ANOTHER~~
 2 ~~NONVIOLENT CRIME IF THE SEEKING OF MEDICAL ASSISTANCE IS THE REASON~~
 3 ~~FOR THE ENCOUNTER WITH LAW ENFORCEMENT.~~

4 **1-209.**

5 ~~(c)~~ **THE ACT OF SEEKING MEDICAL ASSISTANCE FOR A ANOTHER**
 6 **PERSON WHO IS EXPERIENCING AN ALCOHOL OR A DRUG RELATED OVERDOSE A**
 7 **MEDICAL EMERGENCY AFTER INGESTING ALCOHOL OR DRUGS MAY BE USED AS**
 8 **A MITIGATING FACTOR IN A CRIMINAL PROSECUTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 10 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.