

SENATE BILL 654

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51r2266
CF 51r2066

By: **Senator Muse**

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Immunity – Alcohol– or Drug–Related Medical**
3 **Emergencies**

4 FOR the purpose of establishing that the act of seeking assistance by a person who
5 experiences a medical emergency after ingesting or using alcohol or drugs may be
6 used as a mitigating factor in a criminal prosecution of the person; altering a certain
7 provision providing certain immunity to a person who seeks, provides, or assists with
8 the provision of certain medical assistance by providing the immunity from a
9 criminal arrest, charge, or prosecution and providing immunity when a person is
10 reasonably believed to be experiencing a medical emergency rather than when the
11 person is experiencing a medical emergency; altering a certain provision providing
12 certain immunity to a person who seeks certain medical assistance by providing
13 immunity from a criminal arrest, charge, or prosecution and providing immunity
14 when the person reasonably believes that the person is experiencing a medical
15 emergency rather than when the person is experiencing a medical emergency;
16 extending the applicability of certain immunity provisions to certain drug
17 paraphernalia offenses and certain persons who receive certain medical assistance;
18 prohibiting a person who seeks, provides, or assists with the provision of certain
19 medical assistance from being sanctioned for a violation of a condition of pretrial
20 release, probation, or parole under certain circumstances; prohibiting a person who
21 seeks, provides, or assists with the provision of certain medical assistance from being
22 detained or prosecuted in connection with an outstanding warrant under certain
23 circumstances; clarifying certain language; and generally relating to immunity and
24 alcohol– or drug–related medical emergencies.

25 BY repealing and reenacting, with amendments,
26 Article – Criminal Procedure
27 Section 1–210
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Criminal Procedure**

4 1–210.

5 (a) The act of seeking, providing, or assisting with the provision of medical
6 assistance for another person who is experiencing a medical emergency after ingesting or
7 using alcohol or drugs may be used as a mitigating factor in a criminal prosecution **OF:**

8 **(1) THE PERSON WHO EXPERIENCED THE MEDICAL EMERGENCY; OR**

9 **(2) ANY PERSON WHO SOUGHT, PROVIDED, OR ASSISTED IN THE**
10 **PROVISION OF MEDICAL ASSISTANCE.**

11 (b) A person who, in good faith, seeks, provides, or assists with the provision of
12 medical assistance for a person **REASONABLY BELIEVED TO BE** experiencing a medical
13 emergency after ingesting or using alcohol or drugs shall be immune from criminal
14 **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601, 5–619, **5–620**, 10–114,
15 10–116, and 10–117 of the Criminal Law Article if the evidence for the criminal **ARREST,**
16 **CHARGE, OR** prosecution was obtained solely as a result of the person’s seeking, providing,
17 or assisting with the provision of medical assistance.

18 (c) A person who [experiences] **REASONABLY BELIEVES THAT THE PERSON IS**
19 **EXPERIENCING** a medical emergency after ingesting or using alcohol or drugs shall be
20 immune from criminal **ARREST, CHARGE, OR** prosecution for a violation of §§ 5–601,
21 5–619, **5–620**, 10–114, 10–116, and 10–117 of the Criminal Law Article if the evidence for
22 the criminal **ARREST, CHARGE, OR** prosecution was obtained solely as a result of [another
23 person’s] **THE PERSON** seeking **OR RECEIVING** medical assistance.

24 **(D) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF**
25 **MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS**
26 **SECTION MAY NOT BE SANCTIONED FOR A VIOLATION OF A CONDITION OF PRETRIAL**
27 **RELEASE, PROBATION, OR PAROLE IF THE EVIDENCE OF THE VIOLATION WAS**
28 **OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR**
29 **ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.**

30 **(E) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF**
31 **MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS**
32 **SECTION MAY NOT BE DETAINED ON OR PROSECUTED IN CONNECTION WITH AN**
33 **OUTSTANDING WARRANT IF THE DETENTION OR PROSECUTION IS MADE POSSIBLE**
34 **SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR ASSISTING WITH**
35 **THE PROVISION OF MEDICAL ASSISTANCE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2015.