

HOUSE BILL 738

E2, E1
HB 799/18 – JUD

0lr2537
CF 0lr3614

By: **Delegates J. Lewis and Cardin**

Introduced and read first time: January 30, 2020

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Medical Emergency – Immunity**

3 FOR the purpose of altering a provision of law to specify that a person who is experiencing
4 a medical emergency, rather than a person who reasonably believes that the person
5 is experiencing a medical emergency, after ingesting or using alcohol or drugs is
6 immune from criminal arrest, charge, or prosecution for a certain violation if the
7 evidence for the arrest, charge, or prosecution was obtained solely as a result of the
8 person seeking or receiving medical assistance; altering the offenses for which a
9 person is immune from criminal arrest, charge, or prosecution under certain
10 circumstances; granting immunity from detention or prosecution for a nonviolent
11 crime based solely on contact with the defendant in the course of providing, assisting
12 with, or receiving medical assistance under certain circumstances; making a
13 clarifying change; and generally relating to medical emergencies and criminal
14 immunity.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Procedure
17 Section 1–210
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

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

22 **Article – Criminal Procedure**

23 1–210.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) the person who experienced the medical emergency; or

2 (2) any person who sought, provided, or assisted in the provision of medical
3 assistance.

4 (b) A person who, in good faith, seeks, provides, or assists with the provision of
5 medical assistance for a person reasonably believed to be experiencing a medical emergency
6 after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or
7 prosecution for a violation of [§ 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of
8 the Criminal Law Article] **§ 5–602 OR § 10–114 OF THE CRIMINAL LAW ARTICLE OR A**
9 **MISDEMEANOR OFFENSE** if the evidence for the criminal arrest, charge, or prosecution
10 was obtained solely as a result of the person’s seeking, providing, or assisting with the
11 provision of medical assistance.

12 (c) A person who [reasonably believes that the person] is experiencing a medical
13 emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest,
14 charge, or prosecution for a violation of [a violation of § 5–601, § 5–619, § 5–620, §
15 10–114, § 10–116, or § 10–117 of the Criminal Law Article] **§ 5–602 OR § 10–114 OF THE**
16 **CRIMINAL LAW ARTICLE OR A MISDEMEANOR OFFENSE** if the evidence for the criminal
17 arrest, charge, or prosecution was obtained solely as a result of the person seeking or
18 receiving medical assistance.

19 (d) A person who seeks, provides, or assists with the provision of medical
20 assistance in accordance with subsection (b) **OF THIS SECTION** or **WHO IS EXPERIENCING**
21 **A MEDICAL EMERGENCY IN ACCORDANCE WITH SUBSECTION (c)** of this section may not
22 be sanctioned for a violation of a condition of pretrial release, probation, or parole if the
23 evidence of the violation was obtained solely as a result of the person seeking, providing,
24 [or] assisting with, **OR RECEIVING** the provision of medical assistance.

25 **(E) A PERSON WHO SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF**
26 **MEDICAL ASSISTANCE IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION OR**
27 **WHO IS EXPERIENCING A MEDICAL EMERGENCY IN ACCORDANCE WITH SUBSECTION**
28 **(C) OF THIS SECTION MAY NOT BE DETAINED OR PROSECUTED IN CONNECTION WITH**
29 **AN OUTSTANDING WARRANT FOR ANOTHER NONVIOLENT CRIME IF THE CONTACT**
30 **WITH THE SUBJECT OF THE WARRANT WAS OBTAINED SOLELY AS A RESULT OF THE**
31 **PERSON SEEKING, PROVIDING, ASSISTING WITH, OR RECEIVING THE PROVISION OF**
32 **MEDICAL ASSISTANCE.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2020.