



Maryland Chiefs of Police Association

Maryland Sheriffs' Association



MEMORANDUM

TO: The Honorable William C. Smith Jr., Chairman, and
Members of the Judicial Proceedings Committee

FROM: Chief David Morris, Co-Chair, MCPA, Joint Legislative Committee
Sheriff Darren Popkin, Co-Chair, MSA, Joint Legislative Committee
Andrea Mansfield, Representative, MCPA-MSA Joint Legislative Committee

DATE: March 5, 2020

RE: **SB 849- Criminal Procedure - Medical Emergency - Immunity**

POSITION: **OPPOSE**

The Maryland Chiefs of Police Association (MCPA) and the Maryland Sheriffs' Association (MSA) OPPOSE SB 849. This bill would greatly expand the immunity currently provided under Maryland's "Good Samaritan" law to include more serious offenses.

MCPA and MSA recognize the importance of encouraging those in need of emergency medical treatment to request such help. Current law appropriately provides protection for those who are merely engaged in the simple possession of a controlled dangerous substance. The narrow category of immunized offenses makes sense as a matter of policy and is also easy for officers and citizens to understand.

SB 849 unreasonably extends immunity beyond simple possession. This bill requires police and emergency responders to close their eyes to evidence of drug trafficking and any other misdemeanor they might encounter when responding to a call for medical assistance. The bill also provides immunity for any misdemeanor. To give but one example, if police respond to a medical assistance call and are told by the caller that the "patient" assaulted her before she called, her attacker could not be prosecuted for the assault.

SB 849 also provides immunity from detention *or prosecution* "in connection with an outstanding warrant" if contact with the wanted person occurred as a result of the call for medical assistance. Although limited to "another nonviolent crime," "nonviolent" is not defined. Second degree assault is not a crime of violence under the Criminal Law Article. A person with an outstanding warrant for domestic assault could not be arrested – and, under the language of this bill, not prosecuted. The same would be true for a person wanted for violating a protective order, stalking, second degree child abuse, abuse of a vulnerable adult, involuntary manslaughter and any other offense not a crime of violence. Again, police would be required to turn a blind eye to the fact that they have met a wanted person, leaving that person free to commit further crimes and continue to avoid appearing before a court.

For these reasons, MCPA and MSA OPPOSE SB 849 and urge an UNFAVORABLE Committee report.