



March 5, 2020

Senator William C. Smith, Jr.  
Chair, Judicial Proceedings  
House Office Building  
11 Bladen Street  
Annapolis, MD 21401

**Re: SB849 Criminal Procedure - Medical Emergency - Immunity**

Dear Chairman Smith and Committee Members,

I am writing to express my support for SB 849 Criminal Procedure- Medical Emergency-Immunity. Simply put, this bill will save lives without having any negative impact on public safety. We must always be grateful for the role that paramedics have played in the overdose crisis, but the truth is that many overdoses occur in the presence of other drug users. The first responder at an overdose scene is most often not a paramedic, but another drug user. The fear of arrest can make other drug users flee the scene rather than calling emergency services.

This is especially pertinent when it comes to fentanyl. Fentanyl use in Baltimore is prevalent, and the onset of a fentanyl overdose is immediate, making the timing of arrival of help urgent in order to save a life. Users can and do die before paramedics arrive.

Therefore, we have to expand our current laws to make it easier for drug users to contact emergency services in the event of an overdose scene. I believe we can expand this law and reduce overdose deaths without any adverse impact on public safety. The expanded legislation proposed in this bill will close the gaps in the current law that prevents prosecution for drug possession if the arrest occurred at an overdose scene. The new proposal adds misdemeanor offenses – such as trespassing in a vacant property – to the list of offenses that would receive immunity from prosecution. It would also prevent the execution of warrants for nonviolent crime at the scent of the overdose. This bill additionally ensure immunity for all of those victims at the scene of an overdose seeking help.

We must do everything in our power to reduce overdose deaths. In 2018, the latest year with published data, Baltimore reported 888 drug overdose deaths. Baltimore is not alone. In the United States, we had over 70,000 drug overdose deaths. The overdose rate in our city overwhelmingly impacts people of color.

In 2013, Vermont approved a similarly expansive Good Samaritan law, which has been successfully implement and has not any negative impact on public safety. The state has been praised for its approach to the opioid crisis.

STATE'S ATTORNEY  
Marilyn J. Mosby



OFFICE of the STATE'S ATTORNEY for BALTIMORE CITY  
120 East Baltimore Street | Baltimore, Maryland 21202

We must bring our state into line with forward-thinking creative approaches to the overdose crisis. This bill can save lives at a time when we are losing too many people in our communities. I respectfully urge your favorable report for SB 849.

Thank you for your consideration.  
Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is written in a cursive style with a large, stylized initial "M".

Marilyn J. Mosby  
State's Attorney for Baltimore City