

**HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
HB 738 – Criminal Procedure – Medical Emergency – Immunity**

**House Judiciary Committee
February 25, 2020**



Health Care for the Homeless supports HB 738, which would 1) clarify that the victim of the overdose or medical emergency is provided the same immunity from arrest, charge and prosecution as the person calling for help; 2) expand the offenses that people are immune from to include all misdemeanor offenses, possession with intent to distribute (not volume or king pin dealing); and 3) prohibit a person from being detained or prosecuted in connection with an outstanding warrant of another nonviolent crime if the only reason the police are involved is because of someone calling to save someone's life.

In 2016, Maryland sustained 1816 opioid-related deaths, a 70% increase from 2015 and a four-fold increase since 2010. Heroin-related deaths increased by 62% (from 748 to 1212) between 2015 and 2016, and fentanyl-related deaths more than tripled (from 340 to 1119).¹ In 2015, Maryland enacted a "Good Samaritan" law to encourage people to call for help when someone is facing a medical emergency due to drugs or alcohol. This was a life-saving measure, but gaps remain in the law that prevent people from seeking life-saving interventions.

Our clients at Health Care for the Homeless routinely experience fears about arrest or interaction with police. Several clients fear that calling 911 might disrupt their housing stability. For example, they fear eviction from abandoned houses, in addition to arrest for burglary or trespassing. One client declined to call 911 after an overdose in the abandoned house where he was living, because he "didn't want not to have no place to go."² More stably housed participants feared eviction, as well. Interventions designed to encourage bystanders to stay at the scene to provide paramedics with information, or to call 911 without delay, may expedite emergency medical care and have a greater life-saving effect than interventions solely aiming to increase bystander 911 calls.³

Persistent gaps in Maryland's Good Samaritan law, deterring people from seeking life-saving help.⁴ We fully support HB 738, which will close these gaps and encourage people who are overdosing to seek the help they need. Therefore, Health Care for the Homeless respectfully requests a favorable report on this bill.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We work to prevent and end homelessness for vulnerable individuals and families by providing quality, integrated health care and promoting access to affordable housing and sustainable incomes through direct service, advocacy, and community engagement. We deliver integrated medical care, mental health services, state-certified addiction treatment, dental care, social services, and housing support services for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County. For more information, visit www.hchmd.org.

¹ Maryland Department of Health and Mental Hygiene, *Drug and alcohol related intoxication deaths in Maryland, 2016* (2017), available at http://bha.dhmd.maryland.gov/OVERDOSE_PREVENTION/Documents/2015.05.19-Annual OD Report 2014_merged file final.pdf.

² Amanda D. Latimore, et al., *International Journal of Drug Policy*, "Caught with a body" yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law (2017), available at <https://www.sciencedirect.com/science/article/abs/pii/S0955395917302888?via%3Dihub>.

³ *Id.*

⁴ *Id.*

