



HB212 Support

January 25, 2021

Delegate Luke Clippinger
Chair, Judiciary
House Office Building
6 Bladen Street
Annapolis, MD 21401

HB212 Criminal Procedure - Medical Emergency - Immunity

Dear Chairman Clippinger and Committee Members,

I am writing to express my support for HB212 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 scene 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. While in 2019 Maryland saw a very slight decrease in overdose deaths (the first in a decade), the last two quarters of 2020 have shown a rise in overdose deaths. During the second quarter of 2020, Maryland saw increases in fatalities related to almost every class of substance. The despair of the pandemic and restrictions necessary to curb it's spread, have had broad and far-reaching impacts on those who use drugs.

STATE'S ATTORNEY
Marilyn J. Mosby



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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.

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 HB212.

Thank you for your consideration.
Sincerely,

A handwritten signature in blue ink that reads "Marilyn J. Mosby". The signature is fluid and cursive, with the first and last names being more prominent.

Marilyn J. Mosby
State's Attorney for Baltimore City