



HOUSE BILL 0190

Criminal Procedure-Medical Emergency-Immunity

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: UNFAVORABLE HB 0190

January 12, 2022

My name is Rich Gibson, I am the State's Attorney for Howard County, Maryland. Part of my obligations as State's Attorney is to advocate for laws that enhance the safety and well-being of our community; that is the reason I am writing today to oppose House Bill 190.

According to the Maryland Department of Health's Vital Statistics Administration, there were 1,358 unintentional intoxication deaths involving all types of drugs and alcohol in Maryland through the second calendar quarter of 2021. Therefore, this bill will have a tremendous effect on thousands of Marylanders each year. However, what message does this bill send?

(See, <https://beforeitstoolate.maryland.gov/wp-content/uploads/sites/34/2021/09/OOCC-Q2-2021-Quarterly-Report.pdf>)

This bill proposes an expansion of our current Good Samaritan Law. To be clear, I fully support the current law (codified under Criminal Procedure §1-210) that offers immunity from prosecution for small-scale offenses related to drug and alcohol possession when a person associated with criminal activity calls for medical assistance. However, this bill seeks to include immunity from accountability for felony

distribution of controlled dangerous substances and ANY misdemeanor offenses. These changes go too far and expose the community to great risk.

Consider the hypothetical where an individual is driving under the influence. While driving they crash into an innocent bystander causing that person to be paralyzed. The intoxicated driver calls for medical assistance seeing that the paralyzed victim cannot call for themselves. Under this proposed bill, the intoxicated driver would never be held accountable for the irreparable harm they caused in choosing to drive while intoxicated and paralyzing someone because that offense is a MISDEMEANOR.

There is value in encouraging people to seek medical assistance when needed, without the fear of criminal ramifications, but that concept is not without limits. It must have reasonable scope. We cannot, as a society, ignore the value in holding people accountable for offenses and actions that impact thousands of families and lives each year. Allowing opioid distributors to have a free pass on drug distribution charges because they happened to call for help when someone succumbed to the poison they are pumping out into our community sends the wrong message and endangers far too many lives.

I ask that the legislature give House Bill 0190 an unfavorable report.