

HOUSE BILL 1245

E1

4lr3062
CF SB 1075

By: **Delegates Tomlinson, Bouchat, Buckel, Kaiser, Lopez, Mangione, Phillips, Pippy, Rose, and Stonko**

Introduced and read first time: February 8, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Distribution of Heroin or Fentanyl Causing Serious Bodily**
3 **Injury or Death**
4 **(Victoria and Scottie’s Law)**

5 FOR the purpose of prohibiting an individual from distributing heroin or fentanyl or a
6 chemical analogue of heroin or fentanyl, the use of which results in the death or
7 serious bodily injury of another; and generally relating to the distribution of
8 controlled dangerous substances.

9 BY adding to
10 Article – Criminal Law
11 Section 5–602.1
12 Annotated Code of Maryland
13 (2021 Replacement Volume and 2023 Supplement)

14 BY adding to
15 Article – Criminal Procedure
16 Section 4–201(j)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2023 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 **5–602.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SECTION, "DISTRIBUTE" DOES NOT INCLUDE THE SHARING OF HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR FENTANYL WITHOUT REMUNERATION OR THE EXCHANGE OF GOODS OR SERVICES.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT DISTRIBUTE HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR FENTANYL WITHOUT THE LAWFUL AUTHORITY TO DO SO, THE USE OF WHICH RESULTS IN THE DEATH OR SERIOUS BODILY INJURY OF ANOTHER.

(C) THIS SECTION APPLIES REGARDLESS OF WHETHER:

(1) THE DEATH OR SERIOUS BODILY INJURY TO ANOTHER OCCURRED AS A RESULT OF USING HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR FENTANYL BY ITSELF OR COMBINED WITH ANY COMPOUND, MIXTURE, DILUENT, OR OTHER SUBSTANCE;

(2) THE HEROIN OR FENTANYL OR THE CHEMICAL ANALOGUE OF HEROIN OR FENTANYL IS MIXED OR COMBINED WITH ANY COMPOUND, MIXTURE, DILUENT, OR OTHER SUBSTANCE AFTER THE VIOLATION OF SUBSECTION (A) OF THIS SECTION OCCURS; OR

(3) THE DISTRIBUTION OF HEROIN OR FENTANYL OR THE CHEMICAL ANALOGUE OF HEROIN OR FENTANYL IS MADE DIRECTLY TO THE PERSON WHO DIES OR SUFFERS SERIOUS BODILY INJURY.

(D) IF POSSESSION OF HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF HEROIN OR FENTANYL IS TRANSFERRED MORE THAN ONCE PRIOR TO THE OCCURRENCE OF THE DEATH OR SERIOUS BODILY INJURY, EACH PERSON WHO DISTRIBUTED OR DELIVERED THE HEROIN, FENTANYL, OR THE CHEMICAL ANALOGUE OF HEROIN OR FENTANYL SHALL BE CONSIDERED TO HAVE VIOLATED THIS SECTION.

(E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY AND, IN ADDITION TO ANY OTHER PENALTY IMPOSED FOR A VIOLATION OF § 5-602 OF THIS SUBTITLE, ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS.

(F) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE CONSECUTIVE TO AND NOT CONCURRENT WITH ANOTHER SENTENCE IMPOSED UNDER ANY OTHER PROVISION OF LAW.

(G) A PERSON WHO, IN GOOD FAITH, SEEKS, PROVIDES, OR ASSISTS WITH THE PROVISION OF MEDICAL ASSISTANCE FOR A PERSON EXPERIENCING A MEDICAL

1 EMERGENCY AFTER USING HEROIN OR FENTANYL OR A CHEMICAL ANALOGUE OF
2 HEROIN OR FENTANYL SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR A
3 VIOLATION OF THIS SECTION IF THE EVIDENCE FOR THE CRIMINAL PROSECUTION
4 WAS OBTAINED SOLELY AS A RESULT OF THE PERSON SEEKING, PROVIDING, OR
5 ASSISTING WITH THE PROVISION OF MEDICAL ASSISTANCE.

6 **Article – Criminal Procedure**

7 4–201.

8 **(J) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PROSECUTION**
9 **OF A PERSON FOR A VIOLATION OF § 5–602.1 OF THE CRIMINAL LAW ARTICLE MAY**
10 **BE BROUGHT IN:**

11 **(1) THE COUNTY IN WHICH THE VIOLATION OCCURRED; OR**

12 **(2) THE COUNTY IN WHICH THE DEATH OR SERIOUS BODILY INJURY**
13 **OCCURRED.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2024.