

HOUSE BILL 427

E2
HB 190/22 – JUD

3lr0743
CF SB 546

By: **Delegates Cardin, Boaf, Foley, Lopez, McComas, and Terrasa**

Introduced and read first time: January 30, 2023

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2023

CHAPTER _____

1 AN ACT concerning

2 **Criminal Procedure – Medical Emergency – Immunity**

3 FOR the purpose of altering certain provisions relating to immunity from criminal arrest,
4 charge, or prosecution for a person experiencing a medical emergency; and generally
5 relating to medical emergencies and criminal immunity.

6 BY repealing and reenacting, with amendments,

7 Article – Criminal Procedure

8 Section 1–210

9 Annotated Code of Maryland

10 (2018 Replacement Volume and 2022 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Criminal Procedure**

14 1–210.

15 (a) The act of seeking, providing, or assisting with the provision of medical
16 assistance for another person who is experiencing a medical emergency after ingesting or
17 using alcohol or drugs may be used as a mitigating factor in a criminal prosecution of:

18 (1) the person who experienced the medical emergency; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2) any person who sought, provided, or assisted in the provision of medical assistance.

(b) A person who, in good faith, seeks, provides, or assists with the provision of medical assistance for a person reasonably believed to be experiencing a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of the Criminal Law Article if the evidence for the criminal arrest, charge, or prosecution was obtained solely as a result of the person’s seeking, providing, or assisting with the provision of medical assistance.

(c) A person who [reasonably believes that the person] is experiencing a medical emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of the Criminal Law Article if the evidence for the criminal arrest, charge, or prosecution was obtained solely as a result of the person seeking or receiving medical assistance.

(d) A person who seeks, provides, or assists with the provision of medical assistance in accordance with subsection (b) **OF THIS SECTION** or **WHO IS EXPERIENCING A MEDICAL EMERGENCY IN ACCORDANCE WITH SUBSECTION** (c) of this section may not be sanctioned for a violation of a condition of pretrial release, probation, or parole if the evidence of the violation was obtained solely as a result of the person seeking, providing, [or] assisting with, **OR RECEIVING** the provision of medical assistance.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.