

1 HB439
2 175843-2
3 By Representative Grimsley
4 RFD: Judiciary
5 First Read: 17-MAR-16

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8 SYNOPSIS: Under existing law, an individual may not be
9 prosecuted for a misdemeanor controlled substance
10 offense if that individual is seeking medical help
11 for someone else, if certain conditions are met.

12 This bill would provide that the immunity
13 extends to the crime of unlawful possession of
14 controlled substance.

15 This bill would also clarify that the
16 immunity extends to an individual regardless of his
17 or her age.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT

22
23 Relating to controlled substances; to amend Section
24 20-2-281, Code of Alabama 1975, as amended by Act 2015-364 of
25 the 2015 Regular Session; to provide that an individual who is
26 seeking medical help for another individual may not be
27 prosecuted for the crime of unlawful possession of controlled

1 substance if certain conditions are met; and to clarify that
2 the immunity extends to an individual regardless of his or her
3 age.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 20-2-281, Code of Alabama 1975,
6 as amended by Act 2015-364 of the 2015 Regular Session, is
7 amended to read as follows:

8 "§20-2-281.

9 "(a) Notwithstanding any other law to the contrary,
10 an individual under 21 years of age may not be prosecuted for
11 the possession or consumption of alcoholic beverages if law
12 enforcement, including campus safety police, became aware of
13 the possession or consumption of alcohol solely because the
14 individual was seeking medical assistance for another
15 individual under this article.

16 "(b) Excluding Section 32-5A-191, an individual,
17 regardless of age, may not be prosecuted for a misdemeanor
18 controlled substance offense or the crime of unlawful
19 possession of controlled substance under Section 13A-12-212 if
20 law enforcement became aware of the offense solely because the
21 individual was seeking medical assistance for another
22 individual ~~under this article.~~

23 "(c) This section shall apply if, when seeking
24 medical assistance on behalf of another, the individual did
25 all of the following:

26 "(1) Acted in good faith, upon a reasonable belief
27 that he or she was the first to call for assistance.

1 "(2) Used his or her own name when contacting
2 authorities.

3 "(3) Remained with the individual needing medical
4 assistance until help arrived."

5 Section 2. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.