

# HOUSE BILL 1215

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3lr2320

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By: **Delegate Wivell**

Introduced and read first time: February 10, 2023

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Alcohol and Drug Offenses – Immunities – Limitations**

3 FOR the purpose of requiring a person who is immune from arrest, charge, or prosecution  
4 for certain alcohol and drug offenses under certain circumstances to be referred to  
5 substance use disorder treatment services regulated by the Behavioral Health  
6 Administration; prohibiting a person from receiving certain immunity under certain  
7 circumstances; and generally relating to immunity from arrest, charge, or  
8 prosecution for alcohol and drug offenses.

9 BY repealing and reenacting, with amendments,  
10 Article – Criminal Procedure  
11 Section 1–210(c)  
12 Annotated Code of Maryland  
13 (2018 Replacement Volume and 2022 Supplement)

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

16 **Article – Criminal Procedure**

17 1–210.

18 (c) **(1)** [A] **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A**  
19 person who reasonably believes that the person is experiencing a medical emergency after  
20 ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or  
21 prosecution for a violation of § 5–601, § 5–619, § 5–620, § 10–114, § 10–116, or § 10–117 of  
22 the Criminal Law Article if the evidence for the criminal arrest, charge, or prosecution was  
23 obtained solely as a result of the person seeking or receiving medical assistance.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) A PERSON WHO RECEIVES IMMUNITY UNDER THIS SUBSECTION**  
2 **SHALL BE REFERRED TO SUBSTANCE USE DISORDER TREATMENT SERVICES**  
3 **REGULATED BY THE BEHAVIORAL HEALTH ADMINISTRATION.**

4           **(3) A PERSON MAY NOT RECEIVE IMMUNITY UNDER THIS SUBSECTION**  
5 **IF THE PERSON HAS:**

6                   **(I) PREVIOUSLY RECEIVED IMMUNITY; AND**

7                   **(II) FAILED TO PARTICIPATE IN THE SERVICES TO WHICH THE**  
8 **PERSON WAS REFERRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

9           **(4) A PERSON MAY NOT RECEIVE IMMUNITY UNDER THIS SUBSECTION**  
10 **MORE THAN TWICE.**

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