

HOUSE BILL 190

E2, E1
HB 212/21 – JUD

(PRE-FILED)

2lr1041

By: **Delegates Cardin and Atterbeary**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judiciary

A BILL ENTITLED

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 or assisting
5 someone experiencing a medical emergency; and generally relating to medical
6 emergencies and criminal immunity.

7 BY repealing and reenacting, with amendments,

8 Article – Criminal Procedure

9 Section 1–210

10 Annotated Code of Maryland

11 (2018 Replacement Volume and 2021 Supplement)

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

14 **Article – Criminal Procedure**

15 1–210.

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

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

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

22 (b) A person who, in good faith, seeks, provides, or assists with the provision of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 medical assistance for a person reasonably believed to be experiencing a medical emergency
2 after ingesting or using alcohol or drugs shall be immune from criminal arrest, charge, or
3 prosecution for a violation of [~~§ 5–601, § 5–619, § 5–620,~~] **§ 5–602 OR** § 10–114[, § 10–116,
4 or § 10–117] of the Criminal Law Article **OR A MISDEMEANOR OFFENSE** if the evidence
5 for the criminal arrest, charge, or prosecution was obtained solely as a result of the person’s
6 seeking, providing, or assisting with the provision of medical assistance.

7 (c) A person who [reasonably believes that the person] is experiencing a medical
8 emergency after ingesting or using alcohol or drugs shall be immune from criminal arrest,
9 charge, or prosecution for a violation of [~~§ 5–601, § 5–619, § 5–620,~~] **§ 5–602 OR** § 10–114[,
10 § 10–116, or § 10–117] of the Criminal Law Article **OR A MISDEMEANOR OFFENSE** if the
11 evidence for the criminal arrest, charge, or prosecution was obtained solely as a result of
12 the person seeking or receiving medical assistance.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.