

RÉSUMÉ DIGEST

ACT 225 (HB 601)

2022 Regular Session

Hughes

Existing law provides that a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled dangerous substance.

Prior law further provided for immunity from prosecution if the evidence for the offense was obtained as a result of the person's seeking medical assistance, unless the person illegally provided or administered a controlled dangerous substance to the individual.

New law provides that such person may not be charged, prosecuted, or penalized for use of a controlled dangerous substance or for possession of drug paraphernalia.

New law removes the prior law exception to immunity when a person illegally provided or administered a controlled dangerous substance to the individual.

Existing law provides that a person who experiences a drug-related overdose and is in need of medical assistance shall not be charged, prosecuted, or penalized for possession of a controlled dangerous substance if the evidence for the offense was obtained as a result of the overdose and the need for medical assistance.

New law further provides that such person may not be arrested, charged, prosecuted, or penalized for use of a controlled dangerous substance or for possession of drug paraphernalia if evidence for the offense was obtained as a result of the overdose and the need for medical assistance.

New law provides that any person seeking medical assistance for an individual experiencing a drug-related overdose or any person experiencing a drug-related overdose shall also not be subject to the following, if related to seeking medical assistance:

- (1) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole, related to the incident which required medical assistance.
- (2) Civil forfeiture of property, related to the incident which required medical assistance.

Existing law provides that protection from prosecution may not be grounds for suppression of evidence in other criminal prosecutions.

New law provides that the act of providing or seeking first aid or other medical assistance for someone who is experiencing a drug overdose may be used as a mitigating factor in a criminal prosecution for which immunity provided by existing law and proposed law is not provided.

New law shall not limit any seizure of evidence or contraband otherwise permitted by law.

New law shall not limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided by new law.

New law shall not limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of new law or with regard to other crimes committed by a person who otherwise qualifies for the protections of new law.

Effective August 1, 2022.

(Amends R.S. 14:403.10)