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## DIGEST

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HB 601 Original

2022 Regular Session

Hughes

**Abstract:** Provides immunities for persons seeking medical assistance for a drug-related overdose.

Present 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 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.

Proposed law further provides that such person may not be arrested, charged, prosecuted or penalized for use or informal exchange of amounts indicative of personal use of a controlled dangerous substance or of possession with intent to use drug paraphernalia.

Proposed law repeals present law exception to immunity when a person illegally provided or administered a controlled dangerous substance to the individual.

Proposed law provides the maximum number of individuals that may claim immunity for any one incident of seeking medical assistance for an individual experience a drug-related overdose is three.

Present 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.

Proposed law further provides that such person may not be arrested, charged, prosecuted or penalized for use or informal exchange of amounts indicative of personal use or of possession with intent to use drug paraphernalia if evidence for the offense was obtained as a result of the overdose and the need for medical assistance.

Proposed 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) Penalties for a violation of a permanent or temporary protective order or restraining order.
- (2) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole.

(3) Civil forfeiture of property.

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

Proposed law maintains present law.

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

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

Proposed 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 proposed law.

Proposed 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 proposed law or with regard to other crimes committed by a person who otherwise qualifies for the protections of proposed law.

(Amends R.S. 14:403.10)