

2022 Regular Session

HOUSE BILL NO. 601

BY REPRESENTATIVE HUGHES

1 AN ACT

2 To amend and reenact R.S. 14:403.10, relative to immunity for certain actions involving  
3 drug-related overdose; to provide for persons seeking medical attention for a drug-  
4 related overdose; to provide for immunity from arrest; to provide for immunity  
5 related to certain drug-related offenses; to provide for exceptions; to provide  
6 immunity from certain penalties, sanctions, and civil forfeiture; to provide for  
7 suppression of evidence; to provide for mitigating factors; to provide for the  
8 admissibility of evidence; to provide for the authority of law enforcement officers  
9 to detain persons; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:403.10 is hereby amended and reenacted to read as follows:

12 §403.10. Drug-related overdoses; medical assistance; immunity from prosecution

13 A.(1) A person acting in good faith who seeks medical assistance for an  
14 individual experiencing a drug-related overdose may not be charged, prosecuted, or  
15 penalized for possession or use of a controlled dangerous substance under the  
16 Uniform Controlled Dangerous Substances Law or of possession of drug  
17 paraphernalia as defined in R.S. 40:1021, if the evidence for ~~possession of a~~  
18 ~~controlled dangerous substance~~ such offenses was obtained as a result of the person's  
19 seeking medical assistance, ~~unless the person illegally provided or administered a~~  
20 ~~controlled dangerous substance to the individual.~~

21 (2) Any such person shall also not be subject to the following, if related to  
22 seeking medical assistance:

1           (a) Sanctions for a violation of a condition of pretrial release, condition of  
2           probation, or condition of parole, related to the incident which required medical  
3           assistance as provided in Paragraph (1) of this Subsection.

4           (b) Civil forfeiture of property, related to the incident which required  
5           medical assistance as provided in Paragraph (1) of this Subsection.

6           B.(1) A person who experiences a drug-related overdose and is in need of  
7           medical assistance shall not be arrested, charged, prosecuted, or penalized for  
8           possession or use of a controlled dangerous substance under the Uniform Controlled  
9           Dangerous Substances Law or for possession of drug paraphernalia as defined in  
10          R.S. 40:1021 if the evidence for ~~possession of a controlled substance~~ such offenses  
11          was obtained as a result of the overdose and the need for medical assistance.

12          (2) Any such person shall not be subject to the following, if related to  
13          seeking medical assistance:

14          (a) Sanctions for a violation of a condition of pretrial release, condition of  
15          probation, or condition of parole, related to the incident which required medical  
16          assistance as provided in Paragraph (1) of this Subsection.

17          (b) Civil forfeiture of property, related to the incident which required  
18          medical assistance as provided in Paragraph (1) of this Subsection.

19          C. Protection from prosecution in this Section ~~from prosecution for~~  
20          ~~possession offenses under the Uniform Controlled Dangerous Substances Law~~ may  
21          not be grounds for suppression of evidence in other criminal prosecutions.

22          D. The act of providing or seeking first aid or other medical assistance for  
23          someone who is experiencing a drug overdose may be used as a mitigating factor in  
24          a criminal prosecution for which immunity provided by Subsection B of this Section  
25          is not provided.

26          E. Nothing in this Section shall limit any seizure of evidence or contraband  
27          otherwise permitted by law.

28          F. Nothing in this Section shall limit or abridge the authority of a law  
29          enforcement officer to detain or take into custody a person in the course of an

1           investigation or to effectuate an arrest for any offense except as provided in  
2           Subsections A and B of this Section.

3                   G. Nothing in this Section shall limit the admissibility of any evidence in  
4           connection with the investigation or prosecution of a crime with regard to a  
5           defendant who does not qualify for the protections of Subsections A or B of this  
6           Section or with regard to other crimes committed by a person who otherwise  
7           qualifies for the protections of Subsection A or B of this Section.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_