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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 486, L.D. 710, Bill, “An Act Providing a Good Samaritan Defense to Individuals Reporting a Drug Overdose”

Amend the bill by adding after section 1 the following:

Sec. 2. 17-A MRSA §1111, sub-§4 is enacted to read:

4. It is an affirmative defense to prosecution under this section that:

A. The evidence of possession was obtained as a result of the person's seeking, in good faith, medical assistance for someone experiencing a drug-related overdose; or

B. The evidence of possession was obtained as a result of the person's seeking or obtaining medical assistance for a drug-related overdose the person is experiencing.

The assertion of an affirmative defense under this subsection is not grounds for suppression of evidence with respect to any crime.

Sec. 3. 17-A MRSA §1111-A, sub-§11 is enacted to read:

11. It is an affirmative defense to prosecution under this section that:

A. The evidence of possession or use was obtained as a result of the person's seeking, in good faith, medical assistance for someone experiencing a drug-related overdose; or

B. The evidence of possession or use was obtained as a result of the person's seeking or obtaining medical assistance for a drug-related overdose the person is experiencing.

The assertion of an affirmative defense under this subsection is not grounds for suppression of evidence with respect to any crime.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment is the majority report of the committee. This amendment broadens the Good Samaritan defense provided by the bill to individuals reporting a drug overdose to apply to illegal possession of hypodermic apparatuses and use of drug paraphernalia.