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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 757, L.D. 1079, Bill, “An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency”

Amend the bill by striking out the title and substituting the following:

'An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 17-A MRS §1107-A, sub-§6 is enacted to read:

6. It is an affirmative defense to prosecution under this section that the evidence of possession was obtained as a result of the person:

A. Seeking, in good faith, medical assistance for someone experiencing a drug-related overdose; or

B. 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.'

SUMMARY

This amendment is the majority report of the committee. The amendment replaces the bill. The amendment provides an affirmative defense in a prosecution for unlawful possession of scheduled drugs that the evidence of possession was obtained as a result of the person seeking, in good faith, medical assistance for someone experiencing a drug-related overdose or seeking or obtaining medical assistance for a drug-related overdose the person is experiencing. Unlike the bill, the amendment provides that the assertion of this affirmative defense is not grounds for suppression of evidence with respect to any crime.

COMMITTEE AMENDMENT