

MAINE STATE LEGISLATURE

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ONE
ROFS

L.D. 710

Date: 5/29/15

(Filing No. H- 237)

Majority

CRIMINAL JUSTICE AND PUBLIC SAFETY

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

COMMITTEE AMENDMENT "A" 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.'

R.O.F.S

COMMITTEE AMENDMENT "A" to H.P. 486, L.D. 710

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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.

COMMITTEE AMENDMENT