

By Senator Sachs

30-01379-11

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1 A bill to be entitled
2 An act relating to drug-related overdoses; providing a
3 short title; creating s. 893.21, F.S.; providing that
4 a person acting in good faith who seeks medical
5 assistance for an individual experiencing a drug-
6 related overdose may not be charged, prosecuted, or
7 penalized for specified offenses in certain
8 circumstances; providing that a person who experiences
9 a drug-related overdose and needs medical assistance
10 may not be charged, prosecuted, or penalized for
11 specified offenses in certain circumstances; providing
12 that the protections from prosecution for specified
13 offenses are not grounds for suppression of evidence
14 in other prosecutions; amending s. 921.0026, F.S.;
15 amending mitigating circumstances under which a
16 departure from the lowest permissible criminal
17 sentence is reasonably justified to include
18 circumstances in which a defendant was making a good
19 faith effort to obtain or provide medical assistance
20 for an individual experiencing a drug-related
21 overdose; providing an effective date.

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23 WHEREAS, some research suggests that in a majority of cases
24 of fatal drug overdose another person was aware of or present
25 during the decedent's fatal drug use and that in one third of
26 the cases someone recognized the decedent's distress, and

27 WHEREAS, many people cite fear of police involvement or
28 fear of arrest as their primary reason for not seeking immediate
29 help for a person thought to be experiencing a drug overdose,

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30 and

31 WHEREAS, it is in the public interest to encourage a person
32 who is aware of or present during another individual's drug
33 overdose to seek medical assistance for that individual, NOW,
34 THEREFORE,

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36 Be It Enacted by the Legislature of the State of Florida:

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38 Section 1. This act may be cited as the "911 Good Samaritan
39 Act."

40 Section 2. Section 893.21, Florida Statutes, is created to
41 read:

42 893.21 Drug-related overdoses; medical assistance; immunity
43 from prosecution.-

44 (1) A person acting in good faith who seeks medical
45 assistance for an individual experiencing a drug-related
46 overdose may not be charged, prosecuted, or penalized pursuant
47 to this chapter for possession of a controlled substance if the
48 evidence for possession of a controlled substance was obtained
49 as a result of the person's seeking medical assistance.

50 (2) A person who experiences a drug-related overdose and is
51 in need of medical assistance may not be charged, prosecuted, or
52 penalized pursuant to this chapter for possession of a
53 controlled substance if the evidence for possession of a
54 controlled substance was obtained as a result of the overdose
55 and the need for medical assistance.

56 (3) Protection in this section from prosecution for
57 possession offenses under this chapter may not be grounds for
58 suppression of evidence in other criminal prosecutions.

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59 Section 3. Paragraph (n) is added to subsection (2) of
60 section 921.0026, Florida Statutes, to read:

61 921.0026 Mitigating circumstances.—This section applies to
62 any felony offense, except any capital felony, committed on or
63 after October 1, 1998.

64 (2) Mitigating circumstances under which a departure from
65 the lowest permissible sentence is reasonably justified include,
66 but are not limited to:

67 (n) The defendant was making a good faith effort to obtain
68 or provide medical assistance for an individual experiencing a
69 drug-related overdose.

70 Section 4. This act shall take effect July 1, 2011.