

CS/HB 91

2011

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

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

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

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

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

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 36 Section 1. This act may be cited as the "911 Good
 37 Samaritan Act."

38 Section 2. Section 893.21, Florida Statutes, is created to
 39 read:

40 893.21 Drug-related overdoses; medical assistance;
 41 immunity from prosecution.-

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

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

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

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

59 921.0026 Mitigating circumstances.—This section applies to
60 any felony offense, except any capital felony, committed on or
61 after October 1, 1998.

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

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

68 Section 4. This act shall take effect October 1, 2011.