

By Senator Sachs

30-00340-12

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

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

28 WHEREAS, many people cite fear of police involvement or
29 fear of arrest as their primary reason for not seeking immediate

30-00340-12

2012278__

30 help for a person thought to be experiencing a drug overdose,
31 and

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

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

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

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

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

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

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

57 (3) Protection in this section from prosecution for
58 possession offenses under this chapter may not be grounds for

30-00340-12

2012278__

59 suppression of evidence in other criminal prosecutions.

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

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

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

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

71 Section 4. This act shall take effect October 1, 2012.