

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

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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:

38  
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

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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.