

Committee on Criminal Justice

SB 278 — Preventing Deaths from Drug-related Overdoses

by Senators Sachs, Hays, Smith, and Bullard

The bill creates the “911 Good Samaritan Act” and provides that:

- A person making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the person’s seeking medical assistance.
- A person who experiences a drug-related overdose and is in need of medical assistance may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the overdose and the need for medical assistance.

The bill states that the above-described protection from prosecution for possession offenses may not be grounds for suppression of evidence in other criminal prosecutions. The bill also adds the following to the list of mitigating circumstances a judge may consider when departing from the lowest permissible sentence: The defendant was making a good faith effort to obtain or provide medical assistance for an individual experiencing a drug-related overdose.

This bill substantially amends s. 921.0026, F.S. The bill creates s. 893.21, F.S.

If approved by the Governor, these provisions take effect October 1, 2012.

Vote: Senate 38-0; House 117-1