

Committee on Criminal Justice

CS/CS/HB 595 — Alcohol or Drug Overdose Prosecutions

by Judiciary Committee; Criminal Justice Subcommittee; and Rep. Silvers and others (SB 530 by Senators Brandes and Stewart)

The bill creates s. 562.112, F.S., which provides immunity from arrest, charge, prosecution, or penalty for selling, giving, or serving alcohol to a person under 21 years of age or possession of alcohol by such person. This immunity applies to:

- A person who gives alcohol to an individual under 21 years of age and who, acting in good faith, seeks medical assistance for the individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, if the evidence for such offense was obtained as a result of the person's seeking medical assistance. The person must remain at the scene until emergency medical services personnel arrive and must cooperate with such personnel and law enforcement officers at the scene.
- A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance, if the evidence for such offense was obtained as a result of the person's seeking medical assistance.

The bill also amends s. 893.21, F.S., to provide immunity from arrest, charge, prosecution, or penalty for use or possession of drug paraphernalia or drug possession, excluding possession of 10 grams or more of certain Schedule I or Schedule II controlled substances. This immunity applies to:

- A person acting in good faith who seeks medical assistance for an individual experiencing, or believed to be experiencing, an alcohol-related or a drug-related overdose, if the evidence for such offense was obtained as a result of the person's seeking medical assistance.
- A person who experiences, or has a good faith belief that he or she is experiencing, an alcohol-related or a drug-related overdose and is in need of medical assistance, if the evidence for such offense was obtained as a result of the person's seeking medical assistance. Such person may not be penalized for a violation of a condition of pretrial release, probation, or parole if the evidence for such violation was obtained as a result of their seeking medical assistance.

Protection under s. 562.112, F.S., or s. 893.21, F.S., from arrest, charge, prosecution, or penalization may not be grounds for suppression of evidence in other criminal prosecutions.

If approved by the Governor, these provisions take effect July 1, 2019.

Vote: Senate 39-0; House 115-0