

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 05/06/15

Action: Do Pass.

Meeting Dates: 05/06

Vote:

Yeas: 8 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Williamson

Exc: 1 - Sprenger

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Immunizes person from arrest or prosecution for certain drug offenses when evidence obtained in response to request for medical assistance. Prohibits law enforcement from arresting person for violating supervision when evidence obtained in response to request for medical assistance. Prohibits law enforcement from arresting person on certain Oregon warrants when person discovered after request for medical assistance.

ISSUES DISCUSSED:

- Prior legislation that enabled the use of Narcan
- Number of lives that have saved by Narcan
- Prior to use of Narcan, more Oregonians died from drug overdoses than car accidents
- Specific examples of overdose deaths where people were afraid to contact emergency services because of fear of arrest

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

BACKGROUND:

In the 2013 Regular Session, the Oregon Legislature enacted SB 384A and authorized the use of Narcan for those who undergo training. This drug treats those who overdose due to opiates. Narcan must be used quickly following an overdose to be effective. In the 2014 Regular Session, the Oregon Legislature enacted House Bill 4094. That bill provided immunity to those under the age of 21 years old when the only evidence of possession of alcohol was discovered after a request for alcohol-related medical assistance.

Senate Bill 839 A is in line with that framework and creates certain immunities to persons whose contact with law enforcement is in response to a request for medical assistance due to a drug-related overdose.

First, the bill immunizes persons from arrest or prosecution when the evidence is obtained as a result of a request for medical assistance. Both the person making the medical request and the person in need of assistance receive the immunity. The specific offenses for which immunity exists are simple possession, frequenting a place where controlled substances are used, and possession of drug paraphernalia with intent to sell or delivery.

Second, the bill prohibits a person from being arrested for violating supervision, and from being found in violation of supervision, if the alleged violation is for certain drug offenses and the evidence was obtained in response to a request for medical assistance.

Third, the bill prohibits law enforcement from arresting persons on certain warrants if the location of the person was discovered after a request for medical assistance. That prohibition does not apply if there is evidence of new criminal activity, other than the specific drug offenses listed above. It also does not apply to out-of-state warrants and federal warrants.

Finally, the immunities in the bill are not grounds for suppressing evidence in cases other than the specific offenses listed above.