

**Enrolled
Senate Bill 839**

Sponsored by Senators BATES, KRUSE, Representatives WILLIAMSON, FAGAN; Senator STEINER HAYWARD, Representatives KENY-GUYER, PILUSO, TAYLOR, WILSON

CHAPTER

AN ACT

Relating to immunity from prosecution.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A person who contacts emergency medical services or a law enforcement agency to obtain medical assistance for another person who needs medical assistance due to a drug-related overdose is immune from arrest or prosecution for an offense listed in subsection (3) of this section if the evidence of the offense was obtained because the person contacted emergency medical services or a law enforcement agency.

(2) A person who is in need of medical assistance due to a drug-related overdose is immune from arrest or prosecution for an offense listed in subsection (3) of this section if the evidence of the offense was obtained because any person contacted emergency medical services or a law enforcement agency to obtain medical assistance for the person.

(3) The immunity conferred under subsections (1) and (2) of this section applies to arrest and prosecution for:

- (a) Frequenting a place where controlled substances are used as described in ORS 167.222;**
- (b) Possession of a controlled substance as described in ORS 475.752;**
- (c) Unlawful possession of hydrocodone as described in ORS 475.814;**
- (d) Unlawful possession of methadone as described in ORS 475.824;**
- (e) Unlawful possession of oxycodone as described in ORS 475.834;**
- (f) Unlawful possession of heroin as described in ORS 475.854;**
- (g) Unlawful possession of marijuana or a marijuana product as described in ORS 475.864;**
- (h) Unlawful possession of 3,4-methylenedioxymethamphetamine as described in ORS 475.874;**
- (i) Unlawful possession of cocaine as described in ORS 475.884;**
- (j) Unlawful possession of methamphetamine as described in ORS 475.894;**
- (k) Unlawfully possessing a prescription drug as described in ORS 689.527 (6); and**
- (L) Unlawful possession of drug paraphernalia with intent to sell or deliver as described in ORS 475.525.**

(4)(a) A person may not be arrested for violating, or found to be in violation of, the conditions of the person's pretrial release, probation, post-prison supervision or parole if the violation involves:

(A) The possession or use of a controlled substance or frequenting a place where controlled substances are used; and

(B) The evidence of the violation was obtained because the person contacted emergency medical services or a law enforcement agency to obtain medical assistance for another person who needed medical assistance due to a drug-related overdose.

(b) A person may not be arrested for violating, or found to be in violation of, the conditions of the person's pretrial release, probation, post-prison supervision or parole if the violation involves:

(A) The possession or use of a controlled substance or frequenting a place where controlled substances are used; and

(B) The evidence of the violation was obtained because the person was in need of medical assistance due to a drug-related overdose and any person contacted emergency medical services or a law enforcement agency to obtain medical assistance for the person.

(5)(a) A person may not be arrested on an outstanding warrant for any of the offenses listed in subsection (3) of this section, or on an outstanding warrant for a violation, other than commission of a new crime, of the conditions of the person's probation, post-prison supervision or parole for conduct that would constitute an offense listed in subsection (3) of this section, if the location of the person was obtained because the person contacted emergency medical services or a law enforcement agency to obtain medical assistance for another person who needed medical assistance due to a drug-related overdose.

(b) A person may not be arrested on an outstanding warrant for any of the offenses listed in subsection (3) of this section, or on an outstanding warrant for a violation, other than commission of a new crime, of the conditions of the person's probation, post-prison supervision or parole for conduct that would constitute an offense listed in subsection (3) of this section, if the location of the person was obtained because the person was in need of medical assistance due to a drug-related overdose and any person contacted emergency medical services or a law enforcement agency to obtain medical assistance for the person.

(c) This subsection does not apply to outstanding federal warrants or outstanding warrants issued from other states.

(6) The immunity from arrest and prosecution described in this section is not grounds for the suppression of evidence relating to a criminal offense other than the offenses listed in subsection (3) of this section.

(7) As used in this section:

(a) "Controlled substance" has the meaning given that term in ORS 475.005.

(b) "Drug-related overdose" means an acute condition, including mania, hysteria, extreme physical illness, coma or death, resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, that a person would reasonably believe to be a condition that requires medical attention.

SECTION 2. Section 1 of this 2015 Act applies to conduct occurring on or after the effective date of this 2015 Act.

Passed by Senate April 9, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 27, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State