

Senate Bill 839

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

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts specified persons from arrest and prosecution for certain offenses and for violation of terms of release or supervision if evidence of offense was obtained because emergency medical services or law enforcement agency was contacted to obtain necessary medical assistance due to drug-related overdose.

A BILL FOR AN ACT

1 Relating to immunity from prosecution.

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

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

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

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

14 (a) Frequenting a place where controlled substances are used as described in ORS 167.222;

15 (b) Possession of a controlled substance as described in ORS 475.752;

16 (c) Unlawful possession of hydrocodone as described in ORS 475.814;

17 (d) Unlawful possession of methadone as described in ORS 475.824;

18 (e) Unlawful possession of oxycodone as described in ORS 475.834;

19 (f) Unlawful possession of heroin as described in ORS 475.854;

20 (g) Unlawful possession of marijuana or a marijuana product as described in ORS 475.864;

21 (h) Unlawful possession of 3,4-methylenedioxymethamphetamine as described in ORS
22 475.874;

23 (i) Unlawful possession of cocaine as described in ORS 475.884;

24 (j) Unlawful possession of methamphetamine as described in ORS 475.894;

25 (k) Unlawfully possessing a prescription drug as described in ORS 689.527 (6); and

26 (L) Unlawful possession of drug paraphernalia with intent to sell or deliver as described
27 in ORS 475.525.

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 violation involves:

2 (A) The possession or use of a controlled substance or frequenting a place where con-
 3 trolled substances are used; and

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

7 (b) A person may not be arrested for violating, or found to be in violation of, the condi-
 8 tions of the person’s pretrial release, probation, post-prison supervision or parole if the vio-
 9 lation involves:

10 (A) The possession or use of a controlled substance or frequenting a place where con-
 11 trolled substances are used; and

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

15 (5)(a) A person may not be arrested on an outstanding warrant for any of the offenses
 16 listed in subsection (3) of this section, or on an outstanding warrant for a violation, other
 17 than commission of a new crime, of the conditions of the person’s probation, post-prison
 18 supervision or parole, if the location of the person was obtained because the person con-
 19 tacted emergency medical services or a law enforcement agency to obtain medical assistance
 20 for another person who needed medical assistance due to a drug-related overdose.

21 (b) A person may not be arrested on an outstanding warrant for any of the offenses listed
 22 in subsection (3) of this section, or on an outstanding warrant for a violation, other than
 23 commission of a new crime, of the conditions of the person’s probation, post-prison super-
 24 vision or parole, if the location of the person was obtained because the person was in need
 25 of medical assistance due to a drug-related overdose and any person contacted emergency
 26 medical services or a law enforcement agency to obtain medical assistance for the person.

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

30 (7) As used in this section:

31 (a) “Controlled substance” has the meaning given that term in ORS 475.005.

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

36 **SECTION 2.** Section 1 of this 2015 Act applies to conduct occurring on or after the ef-
 37 fective date of this 2015 Act.

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