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CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 735, L.D. 1044, Bill, “An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 17-A MRSA §1107-A, sub-§6 is enacted to read:

6. It is an affirmative defense to prosecution under this section that:

A. The evidence of possession was obtained as a result of the person's seeking, in good faith, medical assistance for someone experiencing a drug-related overdose; or

B. The evidence of possession was obtained as a result of the person's seeking or obtaining medical assistance for a drug-related overdose the person is experiencing.

The assertion of an affirmative defense under this subsection is not grounds for suppression of evidence with respect to any crime.'

SUMMARY

This amendment replaces the bill and creates an affirmative defense to prosecution. The amendment specifies that it is an affirmative defense to prosecution that the evidence of possession was obtained as a result of the person's seeking, in good faith, medical assistance for someone experiencing a drug-related overdose or the evidence of possession was obtained as a result of the person's seeking or obtaining medical assistance for a drug-related overdose the person is experiencing. The amendment also specifies that the affirmative defense is not grounds for suppression of evidence with respect to any crime.

COMMITTEE AMENDMENT