

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2361/P1dn  
PJH:jld:rs

May 14, 2013

Senator Lehman,

Please review this preliminary draft to ensure it is consistent with your intent. In this draft, any person who takes another person suffering from a drug or alcohol reaction to an emergency room or other health care facility or who calls 911 or otherwise summons law enforcement or medical assistance is immune from certain types of criminal prosecution.

The draft confers immunity from prosecution for using or possessing alcohol or drugs under the circumstances leading to the other person's adverse reaction, and immunity from prosecution for a crime relating to another person's reaction, such as manufacturing, delivering, or distributing the controlled substance that harmed the other person.

However, the draft does not confer immunity for a crime that is not related to the other person's condition. For example, if a responding law enforcement officer observed another crime at the scene, the person could be prosecuted for that crime. The draft allows the person to remain anonymous and to leave the scene, unless he or she poses an imminent harm to himself or herself or to others.

Please let me know if you have any questions or would like to discuss this draft further. When the draft meets your approval, I can redraft it in introducible form.

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