

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL DRS45215-NB-46A

Short Title: Good Samaritan Law.

(Public)

Sponsors: Senators Hanig, Moffitt, and Adcock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE LIMITED IMMUNITY FOR CERTAIN ACTIONS TAKEN BY
3 PERSONS SEEKING MEDICAL ASSISTANCE FOR OVERDOSES AND TO
4 BROADEN LIMITED IMMUNITY FOR CERTAIN COVERED OFFENSES AND
5 PERSONS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 90-96.2 is repealed.

8 **SECTION 2.** Article 5 of Chapter 90 of the General Statutes is amended by adding
9 a new section to read:

10 "**§ 90-96.3. Overdose treatment; limited immunity.**

11 (a) Definitions. – The following definitions apply in this section:

12 (1) Covered crime. – An offense that qualifies for immunity as described in this
13 section. Violations of the following offenses are covered crimes:

14 a. G.S. 90-95.

15 b. G.S. 90-95.1.

16 c. G.S. 90-113.22.

17 d. G.S. 90-113.23.

18 e. G.S. 90-98 in connection with a covered crime.

19 f. G.S. 90-108.

20 g. G.S. 14-18.4.

21 h. G.S. 18B-302.

22 i. A nonviolent misdemeanor or nonviolent felony as defined in
23 G.S. 15A-145.5(a).

24 (2) Overdose. – An acute medical condition, including mania, physical illness, or
25 loss of consciousness, resulting in whole or in part from the consumption or
26 use of a controlled substance or alcohol, or that a reasonable person would
27 believe to be such a condition.

28 (3) Protected person. – Any person who (i) requests medical assistance for
29 themselves or another person experiencing an overdose, (ii) is the subject of
30 that request, or (iii) is at the scene of an overdose where medical assistance
31 has been requested.

32 (b) Covered Crime Immunity. – A protected person shall not be arrested, charged,
33 prosecuted, or subject to any criminal penalty for a violation of any covered crime, nor shall they
34 be arrested or detained on an outstanding warrant for a covered crime, if either of the following
35 conditions is met:



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1 (1) The grounds for arrest, charge, prosecution, detention, or other penalty were
2 obtained because of a request for assistance for a person experiencing an
3 overdose.

4 (2) The identity of the protected person is learned because of a request for
5 assistance for an individual experiencing an overdose.

6 (c) Immunity from Other Violations. – A protected person is not in violation of the
7 conditions of any restraining or protective order, pretrial release, probation, parole, or
8 post-release supervision if either of the following conditions is met:

9 (1) The grounds for the violation are obtained because of a request for assistance
10 for a person experiencing an overdose.

11 (2) The identity of the protected person is learned because of a request for medical
12 assistance for an individual experiencing an overdose.

13 (d) Civil Liability for Arrest or Charges. – In addition to any other applicable immunity
14 or limitation on civil liability, a law enforcement officer who, acting in good faith, arrests or
15 charges a person who is thereafter determined to be entitled to immunity under this section shall
16 not be subject to civil liability for the arrest or filing of charges.

17 (e) Construction. – Nothing in this section shall be construed to do any of the following:

18 (1) Bar the admissibility of any evidence obtained in connection with the
19 investigation and prosecution of any offense other than a covered crime.

20 (2) Limit any seizure of evidence or contraband otherwise permitted by law.

21 (3) Limit or abridge the authority of a law enforcement officer to detain or take
22 into custody a protected person in the course of an investigation of, or to
23 effectuate an arrest for, any offense other than a covered crime.

24 (f) Mitigating Factors in Criminal Prosecution. – The court may consider the following
25 as mitigating factors in a criminal prosecution of a protected person for which immunity is not
26 provided by this section:

27 (1) The grounds for prosecution were obtained because of a request for assistance
28 for a person experiencing an overdose.

29 (2) The identity of the protected person is learned because of a request for
30 assistance for an individual experiencing an overdose."

31 **SECTION 3.** G.S. 14-18.4(f) reads as rewritten:

32 "(f) Samaritan Protection. – Nothing in this section shall be construed to restrict or
33 interfere with the rights and immunities provided under ~~G.S. 90-96.2~~G.S. 90-96.3."

34 **SECTION 4.** This act becomes effective October 1, 2023, and applies to acts or
35 omissions on or after that date.