## **Unofficial Draft Copy**

67th Legislature LC 2082

1	BILL NO
2	INTRODUCED BY
3	(Primary Sponsor)
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SEXUAL ASSAULT LAWS; CREATING A SAFE
5	HARBOR FOR SEX WORKERS WHO ARE SEXUALLY ASSAULTED; AND AMENDING SECTION 50-32-609,
6	MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
9	
10	Section 1. Section 50-32-609, MCA, is amended to read:
11	"50-32-609. Good Samaritan protections. (1) The provisions of 45-5-626, 45-9-102, 45-9-107, and
12	45-10-103 do not apply to:
13	(a) a person who, acting in good faith, seeks medical assistance for another person who is
14	experiencing an actual or reasonably perceived drug-related overdose if the evidence supporting an arrest,
15	charge, or prosecution was obtained as a result of the person's seeking medical assistance for another person;
16	or
17	(b) a person who experiences a drug-related overdose and is in need of medical assistance if the
18	evidence supporting an arrest, charge, or prosecution was obtained as a result of the drug-related overdose
19	and the need for medical assistance.
20	(2) The provisions of 45-9-102, 45-9-107, and 45-10-103 do not apply to a pregnant woman seeking
21	or receiving evaluation, treatment, or support services for a substance use disorder.
22	(3) The provisions of 45-5-601 do not apply to a person reporting a crime under 45-5-502 or 45-5-503.
23	(3)(4) A person's pretrial release, probation, furlough, supervised release, or parole may not be
24	revoked based on an incident for which the person would be immune from arrest, charge, or prosecution under
25	this section.
26	(4)(5) A person's act of providing first aid or other medical assistance to a person who is experiencing
27	an actual or reasonably perceived drug-related overdose may be used as a mitigating factor in a criminal
28	prosecution for which immunity is not provided under this section.



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1 (5)(6) This section may n	ot be construed to
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(a) bar the admissibility of evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualified for limited immunity under this section;

- (b) limit, modify, or remove immunity from liability currently available to public entities, public employees, or prosecutors or by law; or
- (c) create a new cause of action or other source of criminal liability for a pregnant woman with a
  substance use disorder who does not seek or receive evaluation, treatment, or support services for a substance
  use disorder."

10 - END -



- 2 - LC 2082