

## 1 HOUSE BILL NO. 520

2 INTRODUCED BY M. MARLER

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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:

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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(2)(A) do not apply to a person reporting a crime under 45-5-502 or 45-  
23 5-503.

24 ~~(3)(4)~~ A person's pretrial release, probation, furlough, supervised release, or parole may not be  
25 revoked based on an incident for which the person would be immune from arrest, charge, or prosecution under  
26 this section.

27 ~~(4)(5)~~ A person's act of providing first aid or other medical assistance to a person who is experiencing  
28 an actual or reasonably perceived drug-related overdose may be used as a mitigating factor in a criminal

1 prosecution for which immunity is not provided under this section.

2 ~~(5)~~(6) This section may not be construed to:

3 (a) bar the admissibility of evidence obtained in connection with the investigation and prosecution of  
4 other crimes or violations committed by a person who otherwise qualified for limited immunity under this  
5 section;

6 (b) limit, modify, or remove immunity from liability currently available to public entities, public  
7 employees, or prosecutors or by law; or

8 (c) create a new cause of action or other source of criminal liability for a pregnant woman with a  
9 substance use disorder who does not seek or receive evaluation, treatment, or support services for a substance  
10 use disorder."

11 - END -