



# SENATE BILL 106: Clarify Limited Immunity/Overdose Victims.

2019-2020 General Assembly

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<b>Committee:</b> Senate Rules and Operations of the Senate	<b>Date:</b> March 7, 2019
<b>Introduced by:</b> Sens. J. Jackson, J. Davis, Britt	<b>Prepared by:</b> Shawn Middlebrooks
<b>Analysis of:</b> Second Edition	Staff Attorney *

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**OVERVIEW:** *Senate Bill 106 would amend the conditions required for a person experiencing a drug-related overdose to receive immunity from prosecution for certain drug offenses.*

## CURRENT LAW:

### G. S. 90-96.2

A person experiencing a drug-related overdose shall not be prosecuted for certain offenses if the following conditions are met:

- The person called 911.
- The person believed that he or she was the first to call 911.
- The person did not seek medical assistance during a lawful search by law enforcement.
- The evidence for prosecution was obtained as a result of seeking medical attention.

The immunity would protect a person from prosecution for the following drug offenses:

- misdemeanor possession of a controlled substance;
- felony possession of less than one gram of cocaine;
- felony possession of less than one gram of heroin; or
- misdemeanor possession of drug paraphernalia.

**BILL ANALYSIS:** Senate Bill 106 would amend the law to allow an individual experiencing a drug-related overdose to be eligible for limited immunity from prosecution without meeting the following requirements:

- The person called 911.
- The person believed that he or she was the first to call 911.
- The person did not seek medical assistance during a lawful search by law enforcement.

**EFFECTIVE DATE:** This act would become effective December 1, 2019, and apply to offenses committed on or after that date.

*\*Staff Attorney Jennifer Bedford contributed substantially to this summary.*

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