

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-251.03 of the Code of Virginia, relating to arrest and prosecution when*
 3 *experiencing or reporting an overdose or act of sexual violence.*

4 [H 2117]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-251.03 of the Code of Virginia is amended and reenacted as follows:**8 **§ 18.2-251.03. Arrest and prosecution when experiencing or reporting an overdose or act of sexual**
 9 **violence.**10 A. For purposes of this section, "~~overdose~~":11 "*Act of sexual violence*" means an alleged violation of § 18.2-361, 18.2-370, or 18.2-370.1 or the laws
 12 *pertaining to criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4.*13 "*Overdose*" means a life-threatening condition resulting from the consumption or use of a controlled
 14 substance, alcohol, or any combination of such substances.15 B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or
 16 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana
 17 pursuant to § 4.1-1105.1, possession of a controlled substance pursuant to § 18.2-250, intoxication in public
 18 pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:19 1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is
 20 experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose;
 21 (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical
 22 attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in §
 23 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as
 24 defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or
 25 assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid
 26 antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or
 27 obtains emergency medical attention in accordance with this subdivision;28 2. Such individual remains at the scene of the overdose or at any alternative location to which he or the
 29 person requiring emergency medical attention has been transported until a law-enforcement officer responds
 30 to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the
 31 alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;32 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the
 33 overdose; and34 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of
 35 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.36 C. *No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or*
 37 *consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana*
 38 *pursuant to § 4.1-1105.1, possession of a controlled substance pursuant to § 18.2-250, intoxication in public*
 39 *pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:*40 1. *Such individual, in good faith, seeks or obtains assistance for himself or another individual from*
 41 *emergency medical services personnel, as defined in § 32.1-111.1, a health care provider, as defined in §*
 42 *8.01-581.1, or a law-enforcement officer, as defined in § 9.1-101, and seeks to report an act of sexual*
 43 *violence committed against himself or another individual;*44 2. *Such individual identifies himself to the law-enforcement officer who responds to the report of the act of*
 45 *sexual violence; and*46 3. *The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of*
 47 *the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law*
 48 *enforcement.*49 *This subsection shall not apply to an individual who is alleged to have committed the act of sexual*
 50 *violence.*51 D. The provisions of this section shall not apply to any person who seeks or obtains emergency medical
 52 attention for himself or another individual, to a person experiencing an overdose *or who has experienced an*
 53 *act of sexual violence* when another individual seeks or obtains emergency medical attention for him, or to a
 54 person who renders emergency care or assistance to an individual experiencing an overdose *or who has*
 55 *experienced an act of sexual violence* while another person seeks or obtains emergency medical attention
 56 during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

57 ~~D~~. *E.* This section does not establish protection from arrest or prosecution for any individual or offense
58 other than those listed in subsection B or C. *However, any individual immune to arrest or prosecution under*
59 *this section shall not have his bail, probation, furlough, supervised release, suspended sentence, or parole*
60 *revoked for the behavior immune from arrest or prosecution under the provisions of this section.*

61 ~~E~~. *F.* No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later
62 determined that the person arrested was immune from prosecution under this section.