

## Department of Planning and Budget 2024 Session Fiscal Impact Statement

**1. Bill Number:** HB161H1

**House of Origin**    ☐ Introduced    ☒ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Seibold

**3. Committee:** Courts of Justice

**4. Title:** Arrest, prosecution, and disciplinary or administrative procedures and penalties when experiencing or reporting overdoses.

**5. Summary:** The substitute provides that no individual incarcerated in a local, regional, or state correctional facility will be subject to arrest, prosecution, or disciplinary or administrative procedures or penalties related to the unlawful purchase, possession, or consumption of alcohol; unlawful purchase, possession, or consumption of marijuana; possession of a controlled substance; procurement, sale, secretion, or possession of any chemical compound that the individual has not lawfully received; procurement, sale, secretion, or possession of a controlled substance in Schedule III of the Drug Control Act; or marijuana; intoxication in public; or possession of controlled paraphernalia if such individual (i) in good faith seeks or obtains emergency medical attention for himself, if he is experiencing an overdose or for another individual, if such other individual is experiencing an overdose; (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical attention for such individual, by contemporaneously reporting such overdose to an employee or volunteer of a local, regional, or state correctional facility; or (iii) in good faith, renders emergency care or assistance, including CPR to an individual experiencing an overdose while another seeks or obtains emergency medical attention. The substitute also provides that no correctional officer, deputy sheriff, or jail officer acting in good faith will be found liable for false arrest if it is later determined that the person arrested was immune from prosecution or disciplinary procedure or penalties. The provisions of the bill do not establish protection from arrest-~~or~~, prosecution, or disciplinary or administrative procedures or penalties for any individual.

**6. Budget Amendment Necessary:** See Item 8 below.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** According to the Office of the Attorney General (OAG), this bill may create additional litigation for the correctional litigation section of OAG. Therefore, there may be a fiscal impact on OAG's operations, however there is not enough available information to reliably estimate the impact at this time.

According to the Department of Corrections, any fiscal impact as a result of the substitute can be absorbed with existing resources.

**9. Specific Agency or Political Subdivisions Affected:** Department of Corrections, Courts, Office of the Attorney General, Commonwealth's Attorneys, Public Defenders, local and regional jails.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.