

Drug overdose callers may get legal immunity

06:57 PM PST on Friday, February 20, 2009

By [DEBORAH FELDMAN](#) / KING 5 News



Video: New bill gives legal immunity to drug overdose witnesses

[Larger screen](#) [E-mail this clip](#)

SEATTLE – A pair of bills have passed in the Washington Legislature that would provide legal immunity for people who call medics when they see someone overdosing on drugs.

Supporters say it will save lives while critics say it gives safe haven to criminals.

Brenda Harrison has been clean and sober for 19 years. She's now a counselor at Therapeutic Health Services. Her clients use drugs ranging from heroin to prescription oxycontin.

She says almost any addict would hesitate to get help for a friend who's overdosed if it means facing criminal prosecution themselves.

"Even fairly kind people who have a good heart and some pretty good values, they will pause if it means maybe giving up their freedom for five, ten years," said Harrison.

In 2007, more than 760 people died in Washington state from overdoses. That includes 16-year-old Danielle McCarthy from Puyallup, who died after taking Ecstasy. The other teens she was with claimed they were too scared to get her help until it was too late.

Stories like McCarthy's have prompted lawmakers to push for the passage of a bill to give legal immunity to anyone who calls 911 when witnessing a drug overdose.

"If we can save a life, then that is what I'm concerned with," said Sen. Rosa Franklin, D, Lakewood.

The bill made it through the judiciary committee, but Sen. Pam Roach, R-Auburn, voted against it, saying it provides a safe haven to criminals.

"Well I think we should do everything we can to save a life, that's absolutely right, but we can't do it in a way that creates holes in our very well structured drug law," said Roach.

Harrison disagrees, saying police and prosecutors can always pursue a criminal, but that a lost life can never be replaced.



KING

Danielle McCarthy of Puyallup, Wash. died after taking Ecstasy.

"If they're still breathing, there's hope," said Harrison. "Once they're not breathing anymore, that's done. And so all the dreams of that family – gone."

A companion bill has also passed through a House sub-committee. The Senate has considered similar bills in the past, but not approved them.

Bernie Ryan, Sr. Staff Counsel for the Senate Democratic Caucus, would like to correct a portion of your story that aired about drug overdose legislation pending in the Legislature. You mentioned that the bill gives legal immunity to anyone who calls in a drug overdose. Bernie says that is not the case.

Editor's note: Senate Bill 5516 exempts a person from only one thing—a charge of drug possession. It does not immunize a person from a charge of drug sales,

drug manufacturing or any unrelated charge (such as possessing stolen property). So, if an officer comes in responding to a 911 call about an overdose and sees a gun or a stolen car or wads of cash from drug transactions, that person does not have immunity. It is only from drug possession charges that immunity can be found.