

Subject Immunity from prosecution

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Overview

This bill extends immunity from criminal prosecution to a person who seeks assistance for a sexual assault victim, including the victim.

Summary

Section	Description
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1	Aid to sexual assault victim
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Subd. 1. Person seeking assistance; immunity from prosecution. Exempts persons acting in good faith who contact a 911 operator or first responder to report that a sexual assault victim is in need of assistance from being charged with, or prosecuted for, the possession, sharing, or use of a controlled substance or drug paraphernalia and underage alcohol violations. Requires that the evidence was obtained as a result of the person's seeking assistance for another person and the person, among other things, was the first to seek that assistance, in order to qualify for the immunity.

Subd. 2. Person experiencing sexual assault; immunity from prosecution. Exempts a person experiencing sexual assault from being charged with, or prosecuted for, the possession of a controlled substance or drug paraphernalia and underage alcohol violations. Requires the evidence of the offense to be obtained as a result of the person requesting assistance related to the sexual assault in order to qualify for the immunity.

Subd. 3. Persons on probation or release. Prohibits the revocation of a person's probation or conditional release if they qualify for immunity under subdivision 1 or 2.

Subd. 4. Effect on other criminal prosecutions. States prosecution based on evidence obtained from an independent source is not precluded by the immunity provisions and allows providing assistance to a sexual assault victim to be used as a mitigating factor in a criminal prosecution for which immunity is not provided.



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