604A.06 AID TO SEXUAL ASSAULT VICTIMS.

Subdivision 1. **Person seeking assistance; immunity from prosecution.** (a) A person acting in good faith who contacts a 911 operator or first responder to report that a sexual assault victim is in need of assistance may not be charged or prosecuted for:

(1) the possession, sharing, or use of a controlled substance under section 152.025, or possession of drug paraphernalia; and

(2) if the person is under the age of 21 years, the possession, purchase, or consumption of alcoholic beverages under section 340A.503.

(b) A person qualifies for the immunities provided in this subdivision only if:

(1) the evidence for the charge or prosecution was obtained as a result of the person's seeking assistance for a sexual assault victim; and

(2) the person seeks assistance for a sexual assault victim who is in need of assistance for an immediate health or safety concern, provided that the person who seeks the assistance is the first person to seek the assistance, provides a name and contact information, and remains on the scene until assistance arrives or is provided.

(c) This subdivision applies to one or two persons acting in concert with the person initiating contact provided all the requirements of paragraphs (a) and (b) are met.

Subd. 2. **Person experiencing sexual assault; immunity from prosecution.** (a) A sexual assault victim who is in need of assistance may not be charged or prosecuted for:

(1) the possession, sharing, or use of a controlled substance under section 152.025, or possession of drug paraphernalia; and

(2) if the victim is under the age of 21 years, the possession, purchase, or consumption of alcoholic beverages under section 340A.503.

(b) A victim qualifies for the immunities provided in this subdivision only if the evidence for the charge or prosecution was obtained as a result of the request for assistance related to the sexual assault.

Subd. 3. **Persons on probation or release.** A person's pretrial release, probation, furlough, supervised release, or parole shall not be revoked based on an incident for which the person would be immune from prosecution under subdivision 1 or 2.

Subd. 4. **Effect on other criminal prosecutions.** (a) The act of providing assistance to a sexual assault victim may be used as a mitigating factor in a criminal prosecution for which immunity is not provided.

(b) Nothing in this section shall:

(1) be construed to bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualifies for limited immunity under this section;

(2) preclude prosecution of a person on the basis of evidence obtained from an independent source;

(3) be construed to limit, modify, or remove any immunity from liability currently available to public entities, public employees by law, or prosecutors; or

(4) prevent probation officers from conducting drug or alcohol testing of persons on pretrial release, probation, furlough, supervised release, or parole.

History: *1Sp2021 c 11 art 2 s 28*