

SENATE BILL 628

E1

3lr2759
CF HB 594

By: **Senator Jacobs**

Introduced and read first time: February 1, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes Against Public Administration – Tampering with Evidence**

3 FOR the purpose of prohibiting a certain person from willfully altering, destroying,
4 concealing, or removing a certain item with the intention of impairing the
5 integrity of the item or the availability of the item in a certain investigation;
6 prohibiting a person from willfully making, devising, preparing, presenting,
7 offering, or using a certain item knowing it to be false and with the intention of
8 misleading a certain public official or employee; establishing penalties for a
9 violation of this Act; providing that a certain sentence may be separate from
10 and consecutive to or concurrent with a sentence for a certain crime; defining a
11 certain term; and generally relating to crimes against public administration.

12 BY adding to

13 Article – Criminal Law

14 Section 9–307

15 Annotated Code of Maryland

16 (2012 Replacement Volume and 2012 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Criminal Law**

20 **9–307.**

21 **(A) IN THIS SECTION, “POLICE OR EXECUTIVE INVESTIGATION” MEANS**
22 **AN INVESTIGATION CONDUCTED BY A LAW ENFORCEMENT AGENCY OR ANOTHER**
23 **UNIT OF THE EXECUTIVE BRANCH OF STATE OR LOCAL GOVERNMENT FOR THE**
24 **PURPOSE OF IDENTIFYING CRIMINAL ACTIVITY OR APPREHENDING SUSPECTED**
25 **CRIMINAL OFFENDERS.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) A PERSON WHO KNOWS OR HAS REASON TO BELIEVE THAT A POLICE**
2 **OR AN EXECUTIVE INVESTIGATION IS UNDERWAY OR WILL SOON BE INSTITUTED**
3 **MAY NOT WILLFULLY:**

4 **(1) ALTER, DESTROY, CONCEAL, OR REMOVE AN ARTICLE, AN**
5 **OBJECT, A RECORD, A DOCUMENT, OR ANY OTHER PHYSICAL ITEM WITH THE**
6 **INTENTION OF IMPAIRING THE INTEGRITY OF THE ITEM OR THE AVAILABILITY**
7 **OF THE ITEM IN THE INVESTIGATION; OR**

8 **(2) MAKE, DEVISE, PREPARE, PRESENT, OFFER, OR USE ANY**
9 **ARTICLE, OBJECT, RECORD, DOCUMENT, OR OTHER PHYSICAL ITEM KNOWING**
10 **THE ITEM TO BE FALSE AND WITH THE INTENTION OF MISLEADING A PUBLIC**
11 **OFFICIAL OR EMPLOYEE WHO IS PARTICIPATING IN THE INVESTIGATION.**

12 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
13 **SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
14 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**
15 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

16 **(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
17 **FELONY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING**
18 **20 YEARS IF THE VIOLATION RELATES TO A POLICE OR AN EXECUTIVE**
19 **INVESTIGATION OF:**

20 **(I) A FELONY VIOLATION OF TITLE 5 OF THIS ARTICLE; OR**

21 **(II) A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THIS**
22 **ARTICLE, OR CONSPIRACY OR SOLICITATION TO COMMIT A CRIME OF VIOLENCE.**

23 **(D) A SENTENCE IMPOSED UNDER THIS SECTION MAY BE SEPARATE**
24 **FROM AND CONSECUTIVE TO OR CONCURRENT WITH A SENTENCE FOR ANY**
25 **CRIME BASED ON THE ACT ESTABLISHING THE VIOLATION OF THIS SECTION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2013.