

HOUSE BILL 695

E1

4lr1655

By: **Delegates McComas, Clippinger, Cluster, Dumais, Dwyer, Elliott, Glass, K. Kelly, Krebs, McDermott, Sophocleus, Stocksdales, Swain, Valentino-Smith, and Wood**

Introduced and read first time: January 31, 2014

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Crimes – Obstructing Justice – Tampering With or Fabricating Physical**
3 **Evidence**

4 FOR the purpose of prohibiting a person from destroying, altering, concealing, or
5 removing physical evidence that the person believes may be used in a certain
6 pending or future official proceeding with the intent to impair the verity or
7 availability of the physical evidence in the proceeding; prohibiting a person from
8 fabricating physical evidence with the intent that the fabricated physical
9 evidence be introduced in a certain pending or future official proceeding;
10 prohibiting a person from introducing fabricated physical evidence in a certain
11 official proceeding under certain circumstances; establishing a certain penalty;
12 and generally relating to tampering with or fabricating physical evidence.

13 BY repealing and reenacting, without amendments,
14 Article – Criminal Law
15 Section 9–301(a) and (b)
16 Annotated Code of Maryland
17 (2012 Replacement Volume and 2013 Supplement)

18 BY adding to
19 Article – Criminal Law
20 Section 9–307
21 Annotated Code of Maryland
22 (2012 Replacement Volume and 2013 Supplement)

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

25 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-301.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Official proceeding" includes a criminal trial, a hearing related to a
4 criminal trial or adjudicatory hearing, a grand jury proceeding, and any other
5 proceeding that is part of a criminal action or juvenile delinquency case.

6 **9-307.**

7 (A) A PERSON MAY NOT DESTROY, ALTER, CONCEAL, OR REMOVE
8 PHYSICAL EVIDENCE THAT THE PERSON BELIEVES MAY BE USED IN A PENDING
9 OR FUTURE OFFICIAL PROCEEDING WITH THE INTENT TO IMPAIR THE VERITY
10 OR AVAILABILITY OF THE PHYSICAL EVIDENCE IN THE OFFICIAL PROCEEDING.

11 (B) A PERSON MAY NOT FABRICATE PHYSICAL EVIDENCE WITH THE
12 INTENT THAT THE FABRICATED PHYSICAL EVIDENCE BE INTRODUCED IN A
13 PENDING OR FUTURE OFFICIAL PROCEEDING.

14 (C) A PERSON MAY NOT INTRODUCE PHYSICAL EVIDENCE IN AN
15 OFFICIAL PROCEEDING IF THE PERSON KNOWS OR SHOULD KNOW THAT THE
16 EVIDENCE HAS BEEN ALTERED OR FABRICATED.

17 (D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
18 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
19 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2014.