

HOUSE BILL 695

E1

4lr1655

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

Introduced and read first time: January 31, 2014

Assigned to: Judiciary

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2014

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2012 Replacement Volume and 2013 Supplement)

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

4 **Article – Criminal Law**

5 9–301.

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

7 (b) “Official proceeding” includes a criminal trial, a hearing related to a
8 criminal trial or adjudicatory hearing, a grand jury proceeding, and any other
9 proceeding that is part of a criminal action or juvenile delinquency case.

10 **9–307.**

11 **(A) A PERSON MAY NOT DESTROY, ALTER, CONCEAL, OR REMOVE**
12 **PHYSICAL EVIDENCE THAT THE PERSON BELIEVES MAY BE USED IN A PENDING**
13 **OR FUTURE OFFICIAL PROCEEDING WITH THE INTENT TO IMPAIR THE VERITY**
14 **OR AVAILABILITY OF THE PHYSICAL EVIDENCE IN THE OFFICIAL PROCEEDING.**

15 **(B) A PERSON MAY NOT FABRICATE PHYSICAL EVIDENCE WITH THE**
16 **INTENT THAT THE FABRICATED PHYSICAL EVIDENCE BE INTRODUCED IN A**
17 **PENDING OR FUTURE OFFICIAL PROCEEDING.**

18 **(C) A PERSON MAY NOT INTRODUCE PHYSICAL EVIDENCE IN AN**
19 **OFFICIAL PROCEEDING IF THE PERSON KNOWS OR SHOULD KNOW THAT THE**
20 **EVIDENCE HAS BEEN ALTERED OR FABRICATED.**

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

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