

# HOUSE BILL 695

E1

(4lr1655)

## ENROLLED BILL

— Judiciary/Judicial Proceedings —

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

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

AN ACT concerning

### **Crimes – Obstructing Justice – Tampering With or Fabricating Physical Evidence**

FOR the purpose of prohibiting a person from destroying, altering, concealing, or removing physical evidence that the person believes may be used in a certain pending or future official proceeding with the intent to impair the verity or availability of the physical evidence in the proceeding; prohibiting a person from fabricating physical evidence *with the intent to deceive in order to impair the verity of the physical evidence* with the intent that the fabricated physical evidence be introduced in a certain pending or future official proceeding; prohibiting a person from introducing fabricated physical evidence in a certain official proceeding under certain circumstances; establishing a certain penalty; and generally relating to tampering with or fabricating physical evidence.

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**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.

*Italics* indicate opposite chamber/conference committee amendments.



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

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

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

**Article – Criminal Law**

9–301.

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

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

9–307.

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

(B) A PERSON MAY NOT FABRICATE PHYSICAL EVIDENCE *IN ORDER TO IMPAIR THE VERITY OF THE PHYSICAL EVIDENCE* WITH THE INTENT *TO DECEIVE AND* THAT THE FABRICATED PHYSICAL EVIDENCE BE INTRODUCED IN A PENDING OR FUTURE OFFICIAL PROCEEDING.

(C) A PERSON MAY NOT INTRODUCE PHYSICAL EVIDENCE IN AN OFFICIAL PROCEEDING IF THE PERSON KNOWS ~~OR SHOULD KNOW~~ THAT THE EVIDENCE HAS BEEN ALTERED OR FABRICATED *WITH THE INTENT TO DECEIVE IN ORDER TO IMPAIR THE VERITY OF THE PHYSICAL EVIDENCE*.

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.