

SENATE BILL 169

E2
SB 68/11 – JPR

3lr1198

By: **Senators Middleton and Raskin**
Introduced and read first time: January 17, 2013
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Reports to Crimesolvers/Crimestoppers Organization –**
3 **Inadmissibility and Confidentiality**

4 FOR the purpose of establishing that evidence of a communication or information
5 contained in the communication between an individual reporting alleged
6 criminal activity to a certain Crimesolvers/Crimestoppers organization and the
7 individual who accepts the report on behalf of the organization is not admissible
8 in a court proceeding; providing that certain records of a
9 Crimesolvers/Crimestoppers organization may not be compelled to be produced
10 before a court or other tribunal except on a certain motion; authorizing a court
11 to subpoena certain records or a certain report under certain circumstances;
12 requiring a court to conduct a certain inspection of certain records in a certain
13 manner to make a certain determination; requiring the court, on making a
14 certain determination, to present evidence to a certain movant in a certain
15 manner; requiring the court to execute a certain affidavit under certain
16 circumstances; requiring the court to return certain materials in a certain
17 manner; requiring that the returned materials be stored for a certain period of
18 time; establishing that a law enforcement agency that receives information
19 concerning alleged criminal activity from a certain Crimesolvers/Crimestoppers
20 organization may not disclose the identity of an individual providing
21 information about the criminal activity under a promise of anonymity;
22 prohibiting a person who receives a certain report from intentionally and
23 knowingly and without certain consent disclosing the report or providing certain
24 other information to a person not employed by a law enforcement agency;
25 establishing penalties for a violation of this Act; defining a certain term; and
26 generally relating to crime reporting.

27 BY adding to

28 Article – Criminal Procedure

29 Section 11–1101 through 11–1103 to be under the new subtitle “Subtitle 11.
30 Anonymous Crime Reporting”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2012 Supplement)

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

5 **Article – Criminal Procedure**

6 **SUBTITLE 11. ANONYMOUS CRIME REPORTING.**

7 **11-1101.**

8 IN THIS SUBTITLE, “CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION”
9 MEANS A PRIVATE, NONPROFIT MARYLAND CORPORATION GOVERNED BY A
10 CIVILIAN VOLUNTEER BOARD OF DIRECTORS OPERATED ON A LOCAL OR
11 STATEWIDE LEVEL THAT:

12 (1) OFFERS ANONYMITY TO AN INDIVIDUAL PROVIDING
13 INFORMATION TO THE CORPORATION;

14 (2) ACCEPTS AND EXPENDS DONATIONS FOR CASH REWARDS TO
15 INDIVIDUALS WHO REPORT TO THE CORPORATION INFORMATION ABOUT
16 ALLEGED CRIMINAL ACTIVITY THAT THE CORPORATION FORWARDS TO
17 APPROPRIATE LAW ENFORCEMENT AGENCIES; AND

18 (3) IS ESTABLISHED AS PART OF A COOPERATIVE ALLIANCE
19 BETWEEN THE NEWS MEDIA, THE COMMUNITY, AND LAW ENFORCEMENT
20 OFFICIALS.

21 **11-1102.**

22 (A) EVIDENCE OF A COMMUNICATION OR INFORMATION CONTAINED IN
23 THE COMMUNICATION BETWEEN AN INDIVIDUAL REPORTING ALLEGED
24 CRIMINAL ACTIVITY TO A CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION AND
25 THE INDIVIDUAL WHO ACCEPTS THE REPORT ON BEHALF OF THE
26 CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION IS NOT ADMISSIBLE IN A
27 COURT PROCEEDING.

28 (B) A RECORD OF A CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION
29 CONCERNING A REPORT OF CRIMINAL ACTIVITY MAY NOT BE COMPELLED TO BE
30 PRODUCED BEFORE A COURT OR OTHER TRIBUNAL EXCEPT ON A MOTION:

1 **(1) FILED IN A CRIMINAL TRIAL COURT BY A DEFENDANT WHO**
2 **ALLEGES THAT THE RECORD OR REPORT CONTAINS EVIDENCE THAT IS**
3 **EXCULPATORY TO THE DEFENDANT IN THE TRIAL OF THAT OFFENSE; OR**

4 **(2) FILED IN A CIVIL CASE BY A PLAINTIFF WHO ALLEGES THAT**
5 **DENIAL OF ACCESS TO THE RECORD CONCERNING THE REPORT OF CRIMINAL**
6 **ACTIVITY ABROGATES ANY PART OF A COGNIZABLE COMMON LAW CAUSE OF**
7 **ACTION, IF THE PLAINTIFF ALLEGING ABROGATION:**

8 **(I) WAS CHARGED WITH OR CONVICTED OF A CRIMINAL**
9 **OFFENSE BASED AT LEAST PARTIALLY ON THE REPORT AND THE CHARGES**
10 **WERE DISMISSED, THE PLAINTIFF WAS ACQUITTED, OR THE CONVICTION WAS**
11 **OVERTURNED, AS APPLICABLE; AND**

12 **(II) ESTABLISHES IN THE MOTION A PRIMA FACIE CASE**
13 **THAT THE PLAINTIFF'S ABROGATED CLAIM IS BASED ON INJURIES FROM THE**
14 **CRIMINAL CHARGE OR CONVICTION CAUSED BY THE WRONGFUL ACTS OF**
15 **ANOTHER PERFORMED IN CONNECTION WITH THE REPORT.**

16 **(C) (1) ON MOTION OF A MOVANT UNDER SUBSECTION (B) OF THIS**
17 **SECTION, THE COURT MAY SUBPOENA THE RECORDS OR REPORT DESCRIBED IN**
18 **SUBSECTION (B) OF THIS SECTION.**

19 **(2) THE COURT SHALL CONDUCT AN IN CAMERA INSPECTION OF**
20 **MATERIALS PRODUCED UNDER SUBPOENA IN ACCORDANCE WITH PARAGRAPH**
21 **(1) OF THIS SUBSECTION TO DETERMINE WHETHER THE MATERIALS CONTAIN:**

22 **(I) EVIDENCE THAT IS EXCULPATORY TO THE DEFENDANT;**
23 **OR**

24 **(II) INFORMATION NECESSARY TO A PLAINTIFF AS**
25 **DESCRIBED UNDER SUBSECTION (B)(2) OF THIS SECTION.**

26 **(D) (1) IF THE COURT DETERMINES THAT THE MATERIALS**
27 **PRODUCED CONTAIN EVIDENCE THAT IS EXCULPATORY TO THE DEFENDANT OR**
28 **INFORMATION NECESSARY TO A PLAINTIFF AS DESCRIBED BY SUBSECTION**
29 **(B)(2) OF THIS SECTION, THE COURT SHALL PRESENT THE EVIDENCE TO THE**
30 **MOVANT IN A FORM THAT DOES NOT DISCLOSE THE IDENTITY OF THE PERSON**
31 **WHO WAS THE SOURCE OF THE EVIDENCE, UNLESS THE STATE OR FEDERAL**
32 **CONSTITUTION REQUIRES THE DISCLOSURE OF THAT PERSON'S IDENTITY.**

33 **(2) THE COURT SHALL EXECUTE AN AFFIDAVIT ACCOMPANYING**
34 **THE DISCLOSED MATERIALS DESCRIBED IN PARAGRAPH (1) OF THIS**

1 SUBSECTION SWEARING THAT, IN THE OPINION OF THE COURT, THE MATERIALS
2 DISCLOSED REPRESENT THE EVIDENCE THE MOVANT IS ENTITLED TO RECEIVE
3 UNDER THIS SECTION.

4 (E) (1) THE COURT SHALL RETURN TO THE
5 CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION THE MATERIALS THAT ARE
6 PRODUCED UNDER THIS SECTION BUT NOT DISCLOSED TO THE MOVANT.

7 (2) THE CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION SHALL
8 STORE THE MATERIALS AT LEAST UNTIL THE FIRST ANNIVERSARY OF THE
9 FOLLOWING APPROPRIATE DATE:

10 (I) THE DATE OF EXPIRATION OF THE TIME FOR ALL
11 DIRECT APPEALS IN A CRIMINAL CASE; OR

12 (II) THE DATE A PLAINTIFF'S RIGHT TO APPEAL IN A CIVIL
13 CASE IS EXHAUSTED.

14 11-1103.

15 (A) A PERSON WHO RECEIVES A REPORT CONCERNING ALLEGED
16 CRIMINAL ACTIVITY FROM A CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION
17 MAY NOT INTENTIONALLY AND KNOWINGLY AND WITHOUT THE CONSENT OF
18 THE PERSON WHO MADE THE REPORT DISCLOSE TO A PERSON NOT EMPLOYED
19 BY A LAW ENFORCEMENT AGENCY THE CONTENTS OF A REPORT OF A CRIMINAL
20 ACT OR THE IDENTITY OF AN INDIVIDUAL WHO PROVIDED TO THE
21 CRIMESOLVERS/CRIMESTOPPERS ORGANIZATION INFORMATION ABOUT THE
22 CRIMINAL ACTIVITY UNDER A PROMISE OF ANONYMITY.

23 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
24 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT
25 EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$1,000 OR BOTH.

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