

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, Stocksdale, 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 _____

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 to deceive in order to impair the*
9 *verity of the physical evidence* with the intent that the fabricated physical
10 evidence be introduced in a certain pending or future official proceeding;
11 prohibiting a person from introducing fabricated physical evidence in a certain
12 official proceeding under certain circumstances; establishing a certain penalty;
13 and generally relating to tampering with or fabricating physical evidence.

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.



1 BY repealing and reenacting, without amendments,
2 Article – Criminal Law
3 Section 9–301(a) and (b)
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2013 Supplement)

6 BY adding to
7 Article – Criminal Law
8 Section 9–307
9 Annotated Code of Maryland
10 (2012 Replacement Volume and 2013 Supplement)

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

13 **Article – Criminal Law**

14 9–301.

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

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

19 **9–307.**

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

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.