

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 525
Judiciary

(Delegate Sydnor)

Criminal Law - False Statement to Law Enforcement Officer - Exemption

This bill creates an exception to the prohibition on making a false statement to a law enforcement officer when (1) a government entity or its agents were the subject of a false statement, report, or complaint and (2) the government entity that was the subject of the false statement, report, or complaint initiated or conducted the investigation that determined that the statement, report, or complaint was false.

Fiscal Summary

State Effect: Potential minimal decrease in general fund revenues from fines imposed in the District Court. Potential minimal decrease in general fund incarceration expenditures due to reduced application of existing penalties.

Local Effect: Potential minimal decrease in local revenues and expenditures due to reduced application of existing penalties.

Small Business Effect: None.

Analysis

Current Law: A person may not make, or cause to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, of a county, municipal corporation, or other political subdivision of the State, or of the Maryland-National Capital Park and Planning Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint. Violators are guilty of a misdemeanor, punishable by imprisonment for up to six months and/or a \$500 maximum fine.

Background: On April 20, 2015, Heather Doyle pleaded guilty to trespassing in the District Court of Calvert County. Ms. Doyle and another woman had entered the property of a liquefied natural gas company to hang a banner to protest the company's construction of a facility to export liquefied natural gas. On April 30, 2015, Ms. Doyle filed a complaint with the Calvert County Sheriff's Office alleging that she was choked and assaulted during her arrest and subject to unsafe handling techniques. The complaint was assigned to a sergeant in the sheriff's office, who proceeded to investigate Ms. Doyle's complaint. In June 2015, the sergeant determined that statements in Ms. Doyle's claim were false and referred the matter to the Office of the State's Attorney for Calvert County. Ms. Doyle was charged in the Circuit Court for Calvert County with making a false statement to law enforcement officers under § 9-501 of the Criminal Law Article. After a jury trial, Ms. Doyle was found guilty of making a false statement to law enforcement officers and was sentenced to imprisonment for three months, with all but 15 days suspended.

Ms. Doyle appealed her conviction to the Court of Special Appeals. One of the arguments in her appeal was that, as a matter of public policy, § 9-501 of the Criminal Law Article should not apply when:

the [law enforcement] agency that is the subject of the allegedly false complaint of police brutality or misconduct was the same agency that conducted the investigation that determined the complaint was false; and... the agency's conclusions are not clearly supported by impartial observers or other forms of neutral and reliable evidence.

Ms. Doyle argued that not providing for this exception places "a chilling effect on the rights of victims of police brutality to petition the government for redress." In an unreported opinion, the Court of Special Appeals affirmed the circuit court's decision and, among other things, determined that based on an examination of the plain language of the statute, § 9-501 does not contain this exception.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Montgomery and Prince George's counties; cities of Bowie and Takoma Park; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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Analysis by: Amy A. Devadas

Direct Inquiries to:
(410) 946-5510
(301) 970-5510