

Defense Inspection of Certain Materials; Interference with the Judicial Process; HB 2464

HB 2464 amends the law concerning the obligation of a prosecutor to permit the defendant to inspect, copy, and photograph certain materials. It requires any property or material that constitutes a visual depiction, as defined in the crime of sexual exploitation of a child, to remain in the care, custody, and control of the prosecution, law enforcement, or the court. Further, if the state makes the visual depiction reasonably available to the defendant, the court will deny the defendant's request to copy, photograph, duplicate, or otherwise reproduce it. The visual depiction is "reasonably available to the defendant" if the prosecution provides ample and liberal opportunity for inspection, viewing, and examination of the visual depiction at a government facility, whether in state or out of state, by the defendant, the defendant's attorney, and any individual the defendant seeks to qualify to furnish expert testimony at trial.

Additionally, the bill amends the crime of interference with the judicial process to include knowingly or intentionally, in any criminal proceeding or investigation:

- Inducing a witness or informant to withhold or unreasonably delay in producing any testimony, information, document, or thing;
- Withholding or unreasonably delaying in producing any testimony, information, document, or thing after a court orders its production;
- Altering, damaging, removing, or destroying any record, document, or thing, with the intent to prevent it from being produced or used as evidence; or
- Making, presenting, or using a false record, document, or thing with the intent that the record, document, or thing, material to a criminal proceeding or investigation, appear in evidence to mislead a justice, judge, magistrate, master, or law enforcement officer.

Such an act is a severity level 8, nonperson felony, if the matter or case involves a felony, or a class A, nonperson misdemeanor, if the matter or case involves a misdemeanor.