

**TAMPERING WITH EVIDENCE AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lorie D. Fowlke**

Senate Sponsor: Lyle W. Hillyard

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code offense of tampering with evidence.

**Highlighted Provisions:**

This bill:

- ▶ amends the offense of tampering with evidence to:
  - define "thing or item" and "official proceeding"; and
  - clarify acts that are included in the offense of tampering with evidence.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-8-510.5**, as last amended by Chapter 41, Laws of Utah 2005

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-8-510.5** is amended to read:

**76-8-510.5. Tampering with evidence -- Elements -- Penalties.**

(1) As used in this section:

(a) "Official proceeding" includes any ~~H~~→ **civil or administrative** ←~~H~~ action, trial, examination under oath,

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28 administrative proceeding, or other ~~H~~→ **civil or administrative** ←~~H~~ adjudicative process.

29 (b) "Thing or item" includes any document, record book, paper, file, electronic  
30 compilation, or other evidence.

31 [~~1~~] (2) A person is guilty of tampering with evidence if, believing that an official  
32 proceeding or investigation is pending or about to be instituted, or with the intent to prevent an  
33 official proceeding or investigation or to prevent the production of any thing or item which  
34 reasonably would be anticipated to be evidence in the official proceeding or investigation, the  
35 person knowingly or intentionally:

36 (a) alters, destroys, conceals, or removes any thing or item with the purpose of  
37 impairing the veracity or availability of the thing or item in the proceeding or investigation; or

38 (b) makes, presents, or uses any thing or item which [~~he~~] the person knows to be false  
39 with the purpose of deceiving a public servant or any other party who is or may be engaged in  
40 the proceeding or investigation.

41 [~~2~~] (3) Subsection [~~1~~] (2) does not apply to any offense that amounts to a violation  
42 of Section 76-8-306.

43 [~~3~~] (4) (a) Tampering with evidence is a third degree felony if the offense is  
44 committed in conjunction with an official proceeding.

45 (b) Any violation of this section except under Subsection [~~3~~] (4)(a) is a class A  
46 misdemeanor.

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**Legislative Review Note**  
as of 1-10-07 9:02 AM

**Office of Legislative Research and General Counsel**

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**H.B. 194 - Tampering with Evidence Amendments**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*1/23/2007, 8:52:41 AM, Lead Analyst: Byrne, D.*

**Office of the Legislative Fiscal Analyst**