

Effective 5/13/2014

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

- (1) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.
- (2) A person is guilty of tampering with evidence if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation or to prevent the production of any thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation, the person knowingly or intentionally:
 - (a) alters, destroys, conceals, or removes any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
 - (b) makes, presents, or uses any thing or item which the person knows to be false with the purpose of deceiving a public servant or any other party who is or may be engaged in the proceeding or investigation.
- (3) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.
- (4)
 - (a) Tampering with evidence is a third degree felony if the offense is committed in conjunction with an official proceeding.
 - (b) Any violation of this section except under Subsection (4)(a) is a class A misdemeanor.

Amended by Chapter 167, 2014 General Session