

***Effective 5/1/2024***

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

- (1)
  - (a) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.
  - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits tampering with evidence if the actor:
  - (a)
    - (i) believes that an official proceeding or investigation is pending or about to be instituted; or
    - (ii) intends to prevent an official proceeding or investigation or to prevent the production of a thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation; and
  - (b) knowingly or intentionally:
    - (i) alters, destroys, conceals, or removes a thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
    - (ii) makes, presents, or uses a thing or item which the actor knows to be false with the purpose of deceiving a public servant or other party who is or may be engaged in the proceeding or investigation.
- (3)
  - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
  - (b) A violation of Subsection (2) is a third degree felony if the offense is committed in conjunction with an official proceeding.
- (4) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.

Amended by Chapter 96, 2024 General Session