

TAMPERING WITH EVIDENCE

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: D. Chris Buttars

House Sponsor: Peggy Wallace

LONG TITLE

General Description:

This bill amends the Criminal Code to include as a criminal offense tampering with evidence with the intent to prevent an official proceeding.

Highlighted Provisions:

This bill:

► amends the current law regarding tampering with evidence to include as an offense the act of tampering with evidence with the intent to prevent an official proceeding, which is in addition to the current law that prohibits tampering with evidence after a proceeding or investigation has begun.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-8-510.5, as enacted by Chapter 179, Laws of Utah 2003

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) 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, the ~~[actor]~~ 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 he knows to be false with the purpose of deceiving a public servant who is or may be engaged in the proceeding or investigation.

(2) Subsection (1) does not apply to any offense that amounts to a violation of Section 76-8-306.

(3) (a) Tampering with evidence is a third degree felony if the offense is committed in an official proceeding.

(b) Any violation of this section except under Subsection (3)(a) is a class A misdemeanor.