

TAMPERING WITH EVIDENCE

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: D. Chris Buttars

LONG TITLE

General Description:

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

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



28 proceeding or investigation is pending or about to be instituted, or with the intent to prevent an
29 official proceeding or investigation, the [actor] person knowingly or intentionally:

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

32 (b) makes, presents, or uses any thing or item which he knows to be false with the
33 purpose of deceiving a public servant who is or may be engaged in the proceeding or
34 investigation.

35 (2) Subsection (1) does not apply to any offense that amounts to a violation of Section
36 76-8-306.

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

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

Legislative Review Note
as of 1-17-05 4:28 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0073

Tampering With Evidence

26-Jan-05

11:35 AM

State Impact

The estimated expense of this bill can be handled within existing budgets.

Individual and Business Impact

Under certain circumstances, an individual could receive increased financial and other penalties, including jail time.

Office of the Legislative Fiscal Analyst