

**TAMPERING WITH EVIDENCE -
AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Peggy Wallace

Senate Sponsor: _____

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

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) "Any thing or item" includes any document, record book, paper, file, electronic compilation, or other ~~thing~~ **→ [tangible]** ~~thing~~ evidence.

(b) "Official proceeding" includes any action, trial, ~~thing~~ **→ examination under oath,** ~~thing~~ administrative proceeding, or other adjudicative process.

~~[(1)]~~ (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 he knows to be false with the purpose of deceiving a public servant ~~thing~~ **→ or any other party** ~~thing~~ who is or may be engaged in the proceeding or investigation.

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

~~[(3)]~~ (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 ~~[(3)]~~ (4)(a) is a class A misdemeanor.

Legislative Review Note
as of 1-30-06 5:20 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**Tampering with Evidence - Amendments***10-Feb-06***Bill Number HB0421***10:09 AM*

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact for law-abiding citizens.

Office of the Legislative Fiscal Analyst