

**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 tangible evidence.

(b) "Official proceeding" includes any action, trial, 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 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****Bill Number HB0421****Tampering with Evidence - Amendments***10-Feb-06**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**