

TAMPERING WITH EVIDENCE AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lorie D. Fowlke

Senate Sponsor: Lyle W. Hillyard

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) "Official proceeding" includes any action, trial, examination under oath,



28 administrative proceeding, or other adjudicative process.

29 (b) "Thing or item" includes any document, record book, paper, file, electronic
30 compilation, or other evidence.

31 ~~[(1)]~~ (2) A person is guilty of tampering with evidence if, believing that an official
32 proceeding or investigation is pending or about to be instituted, or with the intent to prevent an
33 official proceeding or investigation or to prevent the production of any thing or item which
34 reasonably would be anticipated to be evidence in the official proceeding or investigation, the
35 person knowingly or intentionally:

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

38 (b) makes, presents, or uses any thing or item which ~~[he]~~ the person knows to be false
39 with the purpose of deceiving a public servant or any other party who is or may be engaged in
40 the proceeding or investigation.

41 ~~[(2)]~~ (3) Subsection ~~[(1)]~~ (2) does not apply to any offense that amounts to a violation
42 of Section 76-8-306.

43 ~~[(3)]~~ (4) (a) Tampering with evidence is a third degree felony if the offense is
44 committed in conjunction with an official proceeding.

45 (b) Any violation of this section except under Subsection ~~[(3)]~~ (4)(a) is a class A
46 misdemeanor.

Legislative Review Note
as of 1-10-07 9:02 AM

Office of Legislative Research and General Counsel

H.B. 194 - Tampering with Evidence Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/23/2007, 8:52:41 AM, Lead Analyst: Byrne, D.

Office of the Legislative Fiscal Analyst