

1 HOUSE BILL NO. 44

2 INTRODUCED BY D. BAUM

3 BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO TAMPERING WITH OR
6 FABRICATING PHYSICAL EVIDENCE; ESTABLISHING A PENALTY FOR TAMPERING WITH OR
7 FABRICATING PHYSICAL EVIDENCE IN CONNECTION WITH A HOMICIDE; AND AMENDING SECTION
8 45-7-207, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 45-7-207, MCA, is amended to read:

13 **"45-7-207. Tampering with or fabricating physical evidence -- penalties.** (1) A person commits
14 the offense of tampering with or fabricating physical evidence if, believing that an official proceeding or
15 investigation is pending or about to be instituted, the person:

16 (a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its
17 verity or availability in the proceeding or investigation; or

18 (b) makes, presents, or uses any record, document, or thing knowing it to be false and with
19 purpose to mislead any person who is or may be engaged in the proceeding or investigation.

20 (2) (a) A person convicted of tampering with or
21 fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be
22 fined an amount not to exceed \$50,000, or both.

23 (b) A person convicted of tampering with or fabricating physical evidence in connection with a
24 homicide or homicide investigation and who in so doing affected the ability of a medical examiner to determine
25 a cause of death shall be imprisoned in the state prison for a term not to exceed 40 years or be fined an
26 amount not to exceed \$100,000, or both."

27 - END -