

AN ACT

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RELATING TO CRIMINAL LAW; REVISING THE PENALTY FOR THE CRIMINAL  
OFFENSE KNOWN AS TAMPERING WITH EVIDENCE; AMENDING A SECTION OF THE  
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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Section 1. Section 30-22-5 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 22-5) is amended to read:

"30-22-5. TAMPERING WITH EVIDENCE.--

A. Tampering with evidence consists of destroying, changing, hiding,  
placing or fabricating any physical evidence with intent to prevent the apprehension,  
prosecution or conviction of any person or to throw suspicion of the commission of a  
crime upon another.

B. Whoever commits tampering with evidence shall be punished as  
follows:

(1) if the highest crime for which tampering with evidence is  
committed is a capital or first degree felony or a second degree felony, the person  
committing tampering with evidence is guilty of a third degree felony;

(2) if the highest crime for which tampering with evidence is  
committed is a third degree felony or a fourth degree felony, the person committing  
tampering with evidence is guilty of a fourth degree felony;

(3) if the highest crime for which tampering with evidence is  
committed is a misdemeanor or a petty misdemeanor, the person committing tampering  
with evidence is guilty of a petty misdemeanor; and

(4) if the highest crime for which tampering with evidence is committed is indeterminate, the person committing tampering with evidence is guilty of a fourth degree felony."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, ~~2003~~