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HOUSE BILL 813

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

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:

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 [~~is  
guilty of a fourth degree felony~~] shall be punished as follows:

underscored material = new  
[bracketed material] = del ete

underscored material = new  
[bracketed material] = delete

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

5                   (2) if the highest crime for which tampering  
6 with evidence is committed is a second degree felony, the  
7 person committing tampering with evidence is guilty of a third  
8 degree felony;

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

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

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

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