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## FISCAL IMPACT REPORT

SPONSOR: Arnold-Jones      DATE TYPED: 3/21/01      HB 813/aHJC  
 SHORT TITLE: Revise Tampering with Evidence Penalty      SB \_\_\_\_\_  
 \_\_\_\_\_ ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		Minimal	Recurring	General Fund

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee has amended House Bill 813 to correct a spelling error, and to combine the tampering with evidence degrees for 1<sup>st</sup> and 2<sup>nd</sup> degree underlying crimes. With the amendment, if the highest crime related to the tampering of evidence is a 1<sup>st</sup> or 2<sup>nd</sup> degree felony, the person guilty of tampering with evidence is guilty of a 3<sup>rd</sup> degree felony. The bill as originally drafted included matching underlying crime and tampering degree levels.

#### Synopsis of Original Bill

House Bill 813 heightens the charges and possible penalties associated with the crime of tampering with evidence. Under current law, this is a fourth degree felony.

Under HB 813, the level of charge of, and penalty for, tampering with evidence is tied to the level of the underlying crime. The breakdown is as follows:

- If the underlying crime is a capital or first degree felony, the person committing tampering with evidence is guilty of a second degree felony.
- If the underlying crime is a second degree felony, the person committing tampering with evidence is guilty of a third degree felony.

- If the underlying crime is a third degree felony, the person committing the tampering with evidence is guilty of a fourth degree felony.
- If the underlying crime is a misdemeanor, the person tampering with evidence is guilty of a petty misdemeanor.
- If the underlying crime is indeterminate, the person committing tampering with evidence is guilty of a fourth degree felony.

Significant Issues

More severe penalties should result in greater deterrence.

**FISCAL IMPLICATIONS**

There may be a slight increase in the number of charges and defendants, which will directly impact the courts, public defenders and district attorneys.

If convicted of tampering with evidence and sentenced to a prison term, there will be costs associated with an increase in the number of inmates in correctional institutes, as well as those released on parole. The same is true for defendants placed on probation.

These fiscal impacts would be recurring and would impact the general fund.

**SJM/njw:yr**