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HOUSE BILL NO. 44
INTRODUCED BY D. BAUM
BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

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

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

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

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

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

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

(2) ~~(a) Except as provided in subsection (2)(b), a person convicted of tampering with or~~
fabricating physical evidence shall be imprisoned in the state prison for a term not to exceed 10 years or be
fined an amount not to exceed \$50,000, or both.

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

- END -