
A BILL FOR AN ACT

RELATING TO PHYSICAL EVIDENCE.

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

1 SECTION 1. The purpose of this Act is to amend the statute
2 for the criminal offense of tampering with physical evidence, to
3 adopt the wording of Model Penal Code section 241.7, "Tampering
4 with or Fabricating Physical Evidence".

5 SECTION 2. Section 710-1076, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§710-1076 Tampering with or fabricating physical
8 evidence. (1) A person commits the offense of tampering with
9 or fabricating physical evidence if, believing that an official
10 proceeding or investigation is pending or about to be
11 instituted, the person:

12 (a) Destroys, mutilates, conceals, removes, or alters
13 physical evidence with intent to impair its verity or
14 availability in the pending or prospective official
15 proceeding[+] or investigation; or

16 (b) Makes, presents, [~~e~~] offers, or uses any false
17 physical evidence, knowing it to be false, with intent
18 that it be introduced in the pending or prospective



1 official proceeding[~~-~~] or investigation, or with
2 intent to mislead a public servant who is or may be
3 engaged in the pending or prospective official
4 proceeding or investigation.

5 (2) [~~Physical~~] For the purposes of this section,
6 "physical evidence[~~7~~]" [as used in this section] includes any
7 article, object, document, record, or other thing of physical
8 substance.

9 (3) Tampering with or fabricating physical evidence is a
10 misdemeanor."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Penal Code; Offenses Against Public Administration; Tampering with or Fabricating Physical Evidence

Description:

Amends the criminal offense statute for tampering with physical evidence to adopt the wording of the Model Penal Code for the same offense. (CD1)

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