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# 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, [~~o~~] offers, or uses any false  
17 physical evidence, knowing it to be false, with intent



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

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

10          (3) Tampering with or fabricating physical evidence [~~is~~]  
11          shall be a misdemeanor."

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

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 Statutory material to be repealed is bracketed  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

17          SECTION 5. This Act shall take effect on July 1, 3000.



**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. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

