

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) 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 coroner or medical examiner to  
determine either a cause of death or manner of death, or both, 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."

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