STATE OF NEW YORK

6773--A

2025-2026 Regular Sessions

IN SENATE

March 24, 2025

Introduced by Sens. JACKSON, PARKER, RAMOS, RIVERA, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the penal law, in relation to tampering with physical evidence and obstructing governmental administration

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 215.40 of the penal law is amended to read as follows:

§ 215.40 Tampering with physical evidence.

A person is guilty of tampering with physical evidence when:

1. With intent that it be used or introduced in an official proceeding or a prospective official proceeding, [~~he~~] **such person** (a) knowingly makes, devises or prepares false physical evidence, or (b) produces or offers such evidence at such a proceeding knowing it to be false; or

2. Believing that certain physical evidence is about to be produced or used in an official proceeding or a prospective official proceeding, and intending to prevent such production or use, [~~he~~] **such person** suppresses it by any act of concealment, alteration or destruction, or by employing force, intimidation or deception against any person**; or**

3. Believing that evidence collected through a body camera is about to be produced or used in an official proceeding or a prospective official proceeding, and intending to prevent such production or use, a police or peace officer conceals, alters, or deletes such body camera footage or its audio recording.

Tampering with physical evidence is a class E felony.

§ 2. Section 195.05 of the penal law, as amended by section 16 of part G of chapter 55 of the laws of 2024, is amended to read as follows:

§ 195.05 Obstructing governmental administration in the second degree.

EXPLANATION--Matter in ***italics*** (underscored) is new; matter in brackets [-] is old law to be omitted.

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A person is guilty of obstructing governmental administration when:

1. Such person intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act, or by means of interfering, whether or not physical force is involved, with radio, telephone, television or other telecommunications systems owned or operated by the state, or a county, city, town, village, fire district or emergency medical service or by means of releasing a dangerous animal under circumstances evincing the actor's intent that the animal obstruct governmental administration; or

2. With the intent to violate a closing order, order to seal, temporary closing order, or temporary order to seal issued by a governmental entity to address a public health or safety concern, such person damages or removes any padlock or other device installed for the purpose of effectuating such order[~~.~~]**; or**

3. Such person is a police or peace officer that intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by turning off a body camera or its audio in situations where it is the policy of such officer's department or agency that such body camera or audio should be recording.

Obstructing governmental administration is a class A misdemeanor.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.