STATE OF NEW YORK

677

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. HUNTER, ZINERMAN, EPSTEIN, JACKSON, DINOWITZ -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to tampering with physical evidence

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 (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 suppresses it by any act of concealment, alteration or destruction, or by employing force, intimidation or deception against any person**; or**

3. Such person is a police or peace officer and either turns off a body camera in a situation where it is the policy of such officer's department or agency that such body camera should be recording, or where such officer deletes a body camera recording.

Tampering with physical evidence is a class E felony.

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

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

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