

ACT 242

S.B. NO. 3033

A Bill for an Act Relating to Physical Evidence.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

“§710-1076 Tampering with or fabricating physical evidence. (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) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its verity or availability in the pending or prospective official proceeding~~;~~ or investigation; or
- (b) Makes, presents, ~~or~~ offers, or uses any false physical evidence, knowing it to be false, with intent that it be introduced in the pending or prospective official proceeding~~;~~ or investigation, or with intent to mislead a public servant who is or may be engaged in the pending or prospective official proceeding or investigation.
- (2) ~~Physical~~ For the purposes of this section, “physical evidence~~;~~” ~~[as used in this section]~~ includes any article, object, document, record, or other thing of physical substance.
- (3) Tampering with or fabricating physical evidence is a misdemeanor.”

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

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved July 9, 2024.)