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HOUSE BILL 206

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO CRIMINAL LAW; SPECIFYING PROCURING OF AN ABORTION  
AS TAMPERING WITH EVIDENCE IN CASES OF CRIMINAL SEXUAL  
PENETRATION OR INCEST.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 30-22-5 NMSA 1978 (being Laws 1963,  
Chapter 303, Section 22-5, as amended) is amended to read:

"30-22-5. TAMPERING WITH EVIDENCE.--

A. Tampering with evidence consists of destroying,  
changing, hiding, placing or fabricating any physical evidence  
with intent to prevent the apprehension, prosecution or  
conviction of any person or to throw suspicion of the  
commission of a crime upon another.

B. Tampering with evidence shall include procuring  
or facilitating an abortion, or compelling or coercing another

underscoring material = new  
~~[bracketed material] = delete~~

underscored material = new  
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1 to obtain an abortion, of a fetus that is the result of  
2 criminal sexual penetration or incest with the intent to  
3 destroy evidence of the crime.

4 [B-] C. Whoever commits tampering with evidence  
5 shall be punished as follows:

6 (1) if the highest crime for which tampering  
7 with evidence is committed is a capital or first degree felony  
8 or a second degree felony, the person committing tampering with  
9 evidence is guilty of a third degree felony;

10 (2) if the highest crime for which tampering  
11 with evidence is committed is a third degree felony or a fourth  
12 degree felony, the person committing tampering with evidence is  
13 guilty of a fourth degree felony;

14 (3) if the highest crime for which tampering  
15 with evidence is committed is a misdemeanor or a petty  
16 misdemeanor, the person committing tampering with evidence is  
17 guilty of a petty misdemeanor; and

18 (4) if the highest crime for which tampering  
19 with evidence is committed is indeterminate, the person  
20 committing tampering with evidence is guilty of a fourth degree  
21 felony."

22 SECTION 2. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2013.