

# Tampering with Evidence

Commissioners,

Texas Penal Code Section 37.09 places great responsibility on Commissioners and staff to safeguard evidence “knowing that an offense has been committed”. Anyone tampering with or destroying evidence commits a 3<sup>rd</sup> degree felony; punishable by a jail term of 2-10 years, plus a fine not to exceed \$10,000.

Our sources tell us that some people are locking their doors and shredding a lot of documents! At this time, they don’t know who made the decision to begin shredding documents or exactly what is being shredded, but they are very concerned that valuable evidence is being destroyed. They also say that it is common knowledge that this shredding is going on, but neither the ED nor Commissioners are asking any questions or doing anything to stop it!

## *§ 37.09. TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE.*

*(a) A person commits an offense if, knowing that an investigation or official proceeding is pending or in progress, he:*

*(1) alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding; or*

*(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding.*

*(b) This section shall not apply if the record, document, or thing concealed is privileged or is the work product of the parties to the investigation or official proceeding.*

*(c) An offense under Subsection (a) or Subsection (d) (1) is a felony of the third degree. An offense under Subsection (d) (2) is a Class A misdemeanor.*

*(d) A person commits an offense if the person:*

*(1) knowing that an offense has been committed, alters, destroys, or conceals any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in any subsequent investigation of or official proceeding related to the offense; or*

*(2) observes human remains under circumstances in which a reasonable person would believe that an offense had been committed, knows or reasonably should know that a law enforcement agency is not aware of the existence of or location of the remains, and fails to report the existence of and location of the remains to a law enforcement agency.*

<http://law.onecle.com/texas/penal/37.09.00.html>