**Tampering with Physical Evidence AS 11.56.610(a)(3)**

**Added 2022**

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, the defendant in this case, has been charged with the crime of tampering with physical evidence in the first degree.

To prove that the defendant committed this crime, the state must prove beyond a reasonable doubt each of the following elements:

1. The defendant used force, threat, or deception against anyone; and
2. In doing so, the defendant prevented the production of physical evidence in an [official proceeding] [criminal investigation].

**USE NOTE**

The following terms are defined in a statute or other instructions:

“physical evidence” – AS 11.56.900(4)

“official proceeding” – AS 11.81.900

“force” – AS 11.81.900

“threat” – AS 11.81.900

“deception” – AS 11.81.900

Because no mental state is specified in the statute defining this offense, the court should determine whether one or more culpable mental states apply to this offense and amend the instruction accordingly. *See* AS 11.81.610.