

**ASSEMBLY BILL**

**No. 256**

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**Introduced by Assembly Member Jones-Sawyer**

February 9, 2015

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An act to amend Section 141 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 256, as introduced, Jones-Sawyer. Falsifying evidence.

Existing law makes it a misdemeanor for a person to, or a felony for a peace officer to, knowingly, willfully, and intentionally alter, modify, plant, place, manufacture, conceal, or move any physical matter, with the specific intent that the action will result in a person being charged with a crime or with specific intent that the physical matter will be wrongfully produced as genuine or true at trial or any other specified proceedings.

This bill would expand that prohibition to include any digital image or video recording. By expanding the definition of a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 141 of the Penal Code is amended to  
2 read:

3 141. (a) Except as provided in subdivision (b), ~~any~~ a person  
4 who knowingly, willfully, and intentionally alters, modifies, plants,  
5 places, manufactures, conceals, or moves any physical matter,  
6 *digital image, or video recording*, with specific intent that the  
7 action will result in a person being charged with a crime or with  
8 the specific intent that the physical matter will be wrongfully  
9 produced as genuine or true upon ~~any~~ a trial, proceeding, or inquiry  
10 whatever, is guilty of a misdemeanor.

11 (b) ~~Any~~ A peace officer who knowingly, willfully, and  
12 intentionally alters, modifies, plants, places, manufactures,  
13 conceals, or moves any physical matter, *digital image, or video*  
14 *recording*, with specific intent that the action will result in a person  
15 being charged with a crime or with the specific intent that the  
16 physical matter will be wrongfully produced as genuine or true  
17 upon ~~any~~ a trial, proceeding, or inquiry whatever, is guilty of a  
18 felony punishable by two, three, or five years in the state prison.

19 (c) ~~Nothing in this~~ *This section shall does not* preclude  
20 prosecution under both this section and any other ~~provision of law~~.

21 SEC. 2. No reimbursement is required by this act pursuant to  
22 Section 6 of Article XIII B of the California Constitution because  
23 the only costs that may be incurred by a local agency or school  
24 district will be incurred because this act creates a new crime or  
25 infraction, eliminates a crime or infraction, or changes the penalty  
26 for a crime or infraction, within the meaning of Section 17556 of  
27 the Government Code, or changes the definition of a crime within  
28 the meaning of Section 6 of Article XIII B of the California  
29 Constitution.

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