

HOUSE BILL ANALYSIS

HB 1534

Title: An act relating to intimidation of witnesses.

Brief Description: Revising provisions relating to intimidation of witnesses.

Sponsors: Representative Crouse.

HOUSE COMMITTEE ON LAW & JUSTICE

Staff: Trudes Hutcheson (786-7384).

Background: Several statutes prohibit a person from interfering with official proceedings. In particular, it is a class B felony to intimidate a witness. In criminal proceedings, the prosecutor provides the defendant with a list of people the prosecutor might call as witnesses.

A person is guilty of intimidating a witness if he or she threatens either a current witness, or a person the actor has reason to believe is about to be called as a witness, or a person the actor has reason to believe may have information relevant to a criminal investigation or abuse or neglect of a minor child, in an attempt to:

- (a) influence the person's testimony;
- (b) induce the person to elude the subpoena to testify;
- (c) induce the person to be absent from the proceedings;
- (d) induce the person not to report information relevant to a criminal investigation or the abuse or neglect of a minor child;
- (e) induce the person not to have the crime or the abuse or neglect prosecuted; or
- (f) induce the person not to give complete or correct information relevant to the criminal investigation or the abuse or neglect of a minor child.

A person is also guilty of intimidating a witness if he or she threatens a former witness because of the witness's testimony in an official proceeding. The term former witness— is not defined.

Summary of Bill: The crime of intimidating a witness includes threatening a former witness because of the witness's *role* in the official proceedings, as opposed to because of the witness's testimony. Former witness— is defined as:

- (a) a person who was endorsed as a witness in an official proceeding;

- (b) a person whom the actor knew or believed may have been called as a witness if a hearing or trial had been held;
- (c) a person whom the actor knew or believed may have provided information related to a criminal investigation or an investigation into the abuse or neglect of a minor child.

The crime of intimidating a witness also includes threatening a person endorsed as a witness in an official proceeding, whether or not the person eventually testifies, and threatening a person whom the actor believes *may be* called as a witness.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research