

HOUSE BILL ANALYSIS

SB 5520

Title: An act relating to intimidation of witnesses.

Brief Description: Revising provisions relating to intimidation of witnesses.

Sponsors: Senator McCaslin.

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. For various reasons, the prosecutor may choose not to call all of the people listed, or the case may be resolved before trial and the potential witnesses do not ever actually testify.

A person is guilty of intimidating a witness if he or she threatens a current witness, threatens someone who he or she believes is about to be called as a witness, or threatens someone who he or she believes has information relevant to a criminal investigation or abuse or neglect of a minor child, and the threats are made 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; or
- (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.

Fiscal Note: Not requested.

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

Office of Program Research