

# FINAL BILL REPORT

## HB 1182

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Synopsis as Enacted

**Brief Description:** Clarifying that each instance of an attempt to intimidate or tamper with a witness constitutes a separate violation for purposes of determining the unit of prosecution under tampering with or intimidating a witness statutes.

**Sponsors:** Representatives Goodman, Ross, Kirby, Johnson, Hope, Hurst, Kelley, Maxwell, Frockt, Klippert, Liias, Miloscia, Moscoso, Pearson, Billig, Warnick and Ladenburg.

**House Committee on Public Safety & Emergency Preparedness**  
**Senate Committee on Judiciary**

#### **Background:**

A person is guilty of Intimidating a Witness if he or she uses a threat to attempt to influence a witness's testimony, induce a witness to absent him or herself from proceedings, induce a person not to report information relevant to a criminal investigation or child abuse, or induce a person not to have a crime or abuse prosecuted. Intimidating a Witness is a class B felony with a seriousness level of VI.

A person is guilty of Tampering with a Witness if he or she attempts to induce a witness to testify falsely, absent him or herself from proceedings, or withhold information from law enforcement or an agency that is relevant to a criminal investigation or child abuse. Tampering with a Witness is a class C felony with a seriousness level of III.

The Washington Supreme Court (Court) recently determined that where a defendant makes multiple phone calls to induce a single witness not to testify, the prosecutor may charge the defendant with one count of Tampering with a Witness. The Court determined that the unit of prosecution is the ongoing attempt to persuade the witness not to testify.

#### **Summary:**

For the offenses of Intimidating a Witness and Tampering with a Witness, each instance of an attempt to intimidate or tamper with a witness constitutes a separate offense.

#### **Votes on Final Passage:**

House 93 0

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Senate 47 0

**Effective:** July 22, 2011