
HOUSE BILL 1182

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Goodman, Ross, Kirby, Johnson, Hope, Hurst, Kelley, Maxwell, Frockt, Klippert, Llias, Miloscia, Moscoso, Pearson, Billig, Warnick, and Ladenburg

Read first time 01/14/11. Referred to Committee on Public Safety & Emergency Preparedness.

1 AN ACT Relating to the unit of prosecution for tampering with or
2 intimidating a witness; amending RCW 9A.72.110 and 9A.72.120; and
3 creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In response to *State v. Hall*, 168 Wn.2d 726
6 (2010), the legislature intends to clarify that each instance of an
7 attempt to intimidate or tamper with a witness constitutes a separate
8 violation for purposes of determining the unit of prosecution under the
9 statutes governing tampering with a witness and intimidating a witness.

10 **Sec. 2.** RCW 9A.72.110 and 1997 c 29 s 1 are each amended to read
11 as follows:

12 (1) A person is guilty of intimidating a witness if a person, by
13 use of a threat against a current or prospective witness, attempts to:

14 (a) Influence the testimony of that person;

15 (b) Induce that person to elude legal process summoning him or her
16 to testify;

17 (c) Induce that person to absent himself or herself from such
18 proceedings; or

1 (d) Induce that person not to report the information relevant to a
2 criminal investigation or the abuse or neglect of a minor child, not to
3 have the crime or the abuse or neglect of a minor child prosecuted, or
4 not to give truthful or complete information relevant to a criminal
5 investigation or the abuse or neglect of a minor child.

6 (2) A person also is guilty of intimidating a witness if the person
7 directs a threat to a former witness because of the witness's role in
8 an official proceeding.

9 (3) As used in this section:

10 (a) "Threat" means:

11 (i) To communicate, directly or indirectly, the intent immediately
12 to use force against any person who is present at the time; or

13 (ii) Threat as defined in RCW 9A.04.110(~~(+25+)~~) (27).

14 (b) "Current or prospective witness" means:

15 (i) A person endorsed as a witness in an official proceeding;

16 (ii) A person whom the actor believes may be called as a witness in
17 any official proceeding; or

18 (iii) A person whom the actor has reason to believe may have
19 information relevant to a criminal investigation or the abuse or
20 neglect of a minor child.

21 (c) "Former witness" means:

22 (i) A person who testified in an official proceeding;

23 (ii) A person who was endorsed as a witness in an official
24 proceeding;

25 (iii) A person whom the actor knew or believed may have been called
26 as a witness if a hearing or trial had been held; or

27 (iv) A person whom the actor knew or believed may have provided
28 information related to a criminal investigation or an investigation
29 into the abuse or neglect of a minor child.

30 (4) Intimidating a witness is a class B felony.

31 (5) For purposes of this section, each instance of an attempt to
32 intimidate a witness constitutes a separate offense.

33 **Sec. 3.** RCW 9A.72.120 and 1994 c 271 s 205 are each amended to
34 read as follows:

35 (1) A person is guilty of tampering with a witness if he or she
36 attempts to induce a witness or person he or she has reason to believe
37 is about to be called as a witness in any official proceeding or a

1 person whom he or she has reason to believe may have information
2 relevant to a criminal investigation or the abuse or neglect of a minor
3 child to:

4 (a) Testify falsely or, without right or privilege to do so, to
5 withhold any testimony; or

6 (b) Absent himself or herself from such proceedings; or

7 (c) Withhold from a law enforcement agency information which he or
8 she has relevant to a criminal investigation or the abuse or neglect of
9 a minor child to the agency.

10 (2) Tampering with a witness is a class C felony.

11 (3) For purposes of this section, each instance of an attempt to
12 tamper with a witness constitutes a separate offense.

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