

**SENATE BILL No. 306**

By Committee on Judiciary

1-19

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to intimidation of a witness; amending K.S.A. 2011 Supp. 21-5909 and  
3 repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 21-5909 is hereby amended to read as  
7 follows: 21-5909. (a) Intimidation of a witness or victim is preventing  
8 or dissuading, or attempting to prevent or dissuade, with an intent to vex,  
9 annoy, harm or injure in any way another person or , an intent to thwart or  
10 interfere in any manner with the orderly administration of justice or an  
11 intent to prevent the discovery of victimization or any crime by a person  
12 described in subsection (a)(2)(A):

13 (1) Any witness or victim from attending or giving testimony at any  
14 civil or criminal trial, proceeding or inquiry authorized by law; or

15 (2) any witness, victim or person acting on behalf of a victim from:

16 (A) Making any report of the victimization of a victim to any law  
17 enforcement officer, prosecutor, probation officer, parole officer,  
18 correctional officer, community correctional services officer or judicial  
19 officer , the secretary of the department of social and rehabilitation  
20 services or any agent or representative of the secretary, or any person  
21 required to make a report pursuant to K.S.A. 2011 Supp. 38-2223, and  
22 amendments thereto;

23 (B) causing a complaint, indictment or information to be sought and  
24 prosecuted, or causing a violation of probation, parole or assignment to a  
25 community correctional services program to be reported and prosecuted,  
26 and assisting in its prosecution;

27 (C) causing a civil action to be filed and prosecuted and assisting in  
28 its prosecution; or

29 (D) arresting or causing or seeking the arrest of any person in  
30 connection with the victimization of a victim.

31 (b) Aggravated intimidation of a witness or victim is intimidation of a  
32 witness or victim, as defined in subsection (a), when the:

33 (1) Act is accompanied by an expressed or implied threat of force or  
34 violence against a witness, victim or other person or the property of any  
35 witness, victim or other person;

36 (2) act is in furtherance of a conspiracy;

1 (3) the act is committed by a person who has been previously  
2 convicted of corruptly influencing a witness or has been convicted of a  
3 violation of this section or any federal or other state's statute which, if the  
4 act prosecuted was committed in this state, would be a violation of this  
5 section;

6 (4) witness or victim is under 18 years of age; or

7 (5) act is committed for pecuniary gain or for any other consideration  
8 by a person acting upon the request of another person.

9 (c) (1) Intimidation of a witness or victim is a class B person  
10 misdemeanor.

11 (2) Aggravated intimidation of a witness or victim is a severity level  
12 6, person felony.

13 Sec. 2. K.S.A. 2011 Supp. 21-5909 is hereby repealed.

14 Sec. 3. This act shall take effect and be in force from and after its  
15 publication in the statute book.