

As Amended by House Committee

Session of 2012

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 of a victim by~~
12 *a person 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~~ **Kansas register**.