LRB-3535/1 MGD:wlj:pg

2005 ASSEMBLY BILL 643

August 30, 2005 – Introduced by Representatives Kessler and Albers. Referred to Committee on Judiciary.

- 1 AN ACT to create 940.43 (7) of the statutes; relating to: intimidating a witness
- 2 and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law prohibits intimidating a witness — knowingly and maliciously preventing or dissuading any witness (or attempting to prevent or dissuade any witness) from attending or giving testimony at any trial, proceeding, or inquiry authorized by law. A person who violates this prohibition is guilty of a Class A misdemeanor and may be fined up to \$10,000 or sentenced to a term of imprisonment of up to nine months or both. The maximum sentence for this offense, however, increases when: 1) the act is accompanied by force or violence or the attempted use of force or violence; 2) the act is accompanied by damage to property; 3) the act is accompanied by any express or implied threat of force, violence, or property damage; 4) the act is in furtherance of a conspiracy; 5) the act is committed by a person with a prior conviction for intimidating a witness or victim; or 6) the person committing the act is hired to do it by another person. Under any of those circumstances, a person who unlawfully intimidates a witness is guilty of a Class G felony and may be fined up to \$25,000 or sentenced to a term of imprisonment of up to ten years (which, if the sentence is for more than one year, consists of a term of confinement followed by a term of extended supervision) or both.

This bill specifies another set of circumstances under which witness intimidation is a Class G felony — when a person who is charged with a felony unlawfully intimidates a witness or a potential witness in connection with a trial, proceeding, or inquiry for that felony.

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Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- **Section 1.** 940.43 (7) of the statutes is created to read:
- 2 940.43 (7) Where the act is committed by a person who is charged with a felony
- 3 in connection with a trial, proceeding, or inquiry for that felony.
- 4 (END)