



## 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.

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### *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.

