

2005 ASSEMBLY BILL 728

October 3, 2005 – Introduced by Representatives DAVIS, ALBERS, GUNDRUM, TOWNS, LAMB, VOS, KLEEFISCH, STRACHOTA, NISCHKE, LOTHIAN, HUNDERTMARK, OTT, GUNDERSON, SUDER, NASS, LEMAHIEU, PETROWSKI, KRAWCZYK, PETTIS, HINES, KESSLER, GRONEMUS, MUSSER, ZIEGELBAUER, VRUWINK, SHERIDAN, MOLEPSKE and LEHMAN, cosponsored by Senators ROESSLER, DARLING, A. LASEE and ERPENBACH. 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.

