



POSITION ON PROPOSED LEGISLATION

BILL: HB 132 – Public Safety – Crime of Violence – Witness Intimidation
POSITION: OPPOSE UNLESS AMENDED
DATE: February 18, 2020

The Office of the Public Defender recognizes that some cases of witness intimidation are violent in nature, and so to that degree, it is justifiable to define witness intimidation as a “crime of violence” under Public Safety § 5-101.

However, the law prohibiting witness intimidation also circumscribes conduct that is not violent *per se*, including merely *verbal* threats (CR §§ 9-302, 9-303 and 9-305), communicating with another to cause that *other* person to intimidate (CR §§ 9-302, 9-303 and 9-305), or using “corrupt means” to influence a victim, juror, witness etc. (CR §9-305).

The bill should be redrafted to focus only on those facts and circumstances that are in fact violent and involve harm, damage or destruction. Failing that, it should be opposed as unnecessarily overbroad.