



HB 357  
Victim and Witness Intimidation - Penalties and Procedures  
OPPOSED

February 4, 2020

# Current Law of Witness Intimidation/Obstructing Justice

## Criminal Law § 9-302, 9-303, 9-305

<p>A person may not <i>harm another, threaten, damage or destroy</i> to induce or influence a victim or witness to:</p> <ul style="list-style-type: none"><li>• testify falsely</li><li>• withhold testimony</li><li>• avoid/absent oneself from testifying, or</li><li>• not report crime-related information.</li></ul>	<p>A person may not harm another, threaten, damage or destroy to <i>retaliate</i> against:</p> <ul style="list-style-type: none"><li>• a victim or witness who testified or reported a crime</li><li>• or a juror or officer of the court relating to their duties.</li></ul>	<p>A person may not by <i>threat, force or corrupt means</i> influence, intimidate or impede a:</p> <ul style="list-style-type: none"><li>• juror</li><li>• witness</li><li>• officer of the court.</li></ul>
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<p>These two offenses are already covered by existing law, which prohibits “harm” – each amounts to criminalizing the same behavior with a different name and adding an extra penalty.</p>		
<p><b>causing death</b> <b>25 years</b></p>	<p><b>causing death</b> <b>25 years</b></p>	<p><b>causing serious physical injury</b> <b>15 years</b></p>
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<p>Also, with respect to all three of these new crimes – “serious physical injury” is already itself the crime of 1<sup>st</sup> degree assault – punishable as a felony up to 25 years, so these provisions are completely redundant.</p>		
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<p>Lastly, “causing death” is not defined but would have to mean any behaviors already criminalized by our laws against homicide, punishable as a felony up to LWOP, life or 40 years depending on circumstances.</p>		