

7141

I N S E N A T E

March 16, 2010

Introduced by Sen. SCHNEIDERMAN -- read twice and ordered printed, and
when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to tampering with and intim-
idating a victim or witness

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 215.10 of the penal law, the section heading and
2 the closing paragraph as amended by chapter 664 of the laws of 1982, is
3 amended to read as follows:
4 S 215.10 Tampering with a VICTIM OR witness in the fourth degree.
5 A person is guilty of tampering with a VICTIM OR witness IN THE FOURTH
6 DEGREE when, knowing that [a] ANOTHER person is or is about to be called
7 as a witness OR OTHERWISE GIVE TESTIMONY in an action or proceeding, OR
8 IS INTENDING OR ABOUT TO REQUEST FROM A COURT, PROSECUTOR, POLICE OFFI-
9 CER OR PEACE OFFICER THE ISSUANCE, ENFORCEMENT, EXTENSION OR EXPANSION
10 OF AN ORDER OF PROTECTION, (a) he OR SHE wrongfully induces or attempts
11 to induce such OTHER person, EITHER DIRECTLY OR THROUGH AN INTERMEDIARY,
12 TO REFRAIN FROM PROCEEDING WITH SUCH REQUEST OR to absent himself OR
13 HERSELF from, or otherwise to avoid or seek to avoid appearing or testi-
14 fying at, such action or proceeding, or (b) he OR SHE knowingly makes
15 any false statement or practices any fraud or deceit with intent to
16 affect the testimony of such OTHER person.
17 Tampering with a VICTIM OR witness in the fourth degree is a class A
18 misdemeanor.
19 S 2. Section 215.11 of the penal law, as added by chapter 664 of the
20 laws of 1982, is amended to read as follows:
21 S 215.11 Tampering with a VICTIM OR witness in the third degree.
22 A person is guilty of tampering with a VICTIM OR witness in the third
23 degree when, knowing that [a] ANOTHER person is OR IS about to be called
24 as a witness OR OTHERWISE GIVE TESTIMONY in a criminal, FAMILY COURT OR
25 SUPREME COURT MATRIMONIAL proceeding, OR IS INTENDING OR ABOUT TO
26 REQUEST FROM A COURT, PROSECUTOR, POLICE OFFICER OR PEACE OFFICER THE
27 ISSUANCE, ENFORCEMENT, EXTENSION OR EXPANSION OF AN ORDER OF PROTECTION:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 1. He OR SHE wrongfully compels or attempts to compel such OTHER
2 person, EITHER DIRECTLY OR THROUGH AN INTERMEDIARY, to REFRAIN FROM
3 PROCEEDING WITH SUCH REQUEST OR TO absent himself OR HERSELF from, or
4 otherwise to avoid or seek to avoid appearing or testifying at such
5 proceeding by means of instilling in him OR HER a fear that the actor
6 will cause physical injury to such OTHER person or [another] A THIRD
7 person; or

8 2. He OR SHE wrongfully compels or attempts to compel such OTHER
9 person, EITHER DIRECTLY OR THROUGH AN INTERMEDIARY, to swear falsely by
10 means of instilling in him OR HER a fear that the actor will cause phys-
11 ical injury to such OTHER person or [another] A THIRD person.

12 Tampering with a VICTIM OR witness in the third degree is a class E
13 felony.

14 S 3. Section 215.12 of the penal law, as added by chapter 664 of the
15 laws of 1982, is amended to read as follows:

16 S 215.12 Tampering with a VICTIM OR witness in the second degree.

17 A person is guilty of tampering with a VICTIM OR witness in the second
18 degree when he OR SHE:

19 1. Intentionally causes physical injury to a person for the purpose of
20 obstructing, delaying, preventing or impeding the giving of testimony in
21 a criminal, FAMILY COURT OR SUPREME COURT MATRIMONIAL proceeding by such
22 person or another person or for the purpose of compelling such person or
23 another person to swear falsely OR FOR THE PURPOSE OF OBSTRUCTING,
24 DELAYING, PREVENTING OR IMPEDING SUCH PERSON OR ANOTHER PERSON FROM
25 REQUESTING FROM A COURT, PROSECUTOR, POLICE OFFICER OR PEACE OFFICER THE
26 ISSUANCE, ENFORCEMENT, EXTENSION OR EXPANSION OF AN ORDER OF PROTECTION;
27 or

28 2. [He intentionally] INTENTIONALLY causes physical injury to a person
29 on account of such person or another person having testified in a crimi-
30 nal, FAMILY COURT OR SUPREME COURT MATRIMONIAL proceeding.

31 Tampering with a VICTIM OR witness in the second degree is a class D
32 felony.

33 S 4. Section 215.13 of the penal law, as added by chapter 664 of the
34 laws of 1982, is amended to read as follows:

35 S 215.13 Tampering with a VICTIM OR witness in the first degree.

36 A person is guilty of tampering with a VICTIM OR witness in the first
37 degree when:

38 1. He OR SHE intentionally causes serious physical injury to a person
39 for the purpose of obstructing, delaying, preventing or impeding the
40 giving of testimony in a criminal, FAMILY COURT OR SUPREME COURT MATRI-
41 MONIAL proceeding by such person or another person or for the purpose of
42 compelling such person or another person to swear falsely OR FOR THE
43 PURPOSE OF OBSTRUCTING, DELAYING, PREVENTING OR IMPEDING SUCH PERSON OR
44 ANOTHER PERSON FROM REQUESTING FROM A COURT, PROSECUTOR, POLICE OFFICER
45 OR PEACE OFFICER THE ISSUANCE, ENFORCEMENT, EXTENSION OR EXPANSION OF AN
46 ORDER OF PROTECTION; or

47 2. He OR SHE intentionally causes serious physical injury to a person
48 on account of such person or another person having testified in a crimi-
49 nal, FAMILY COURT OR SUPREME COURT MATRIMONIAL proceeding.

50 Tampering with a VICTIM OR witness in the first degree is a class B
51 felony.

52 S 5. The penal law is amended by adding a new section 215.14-a to read
53 as follows:

54 S 215.14-A INTIMIDATING A VICTIM OR WITNESS IN THE FOURTH DEGREE.

55 A PERSON IS GUILTY OF INTIMIDATING A VICTIM OR WITNESS IN THE FOURTH
56 DEGREE WHEN, KNOWING THAT ANOTHER PERSON POSSESSES (A) INFORMATION

1 RELATING TO A CRIMINAL TRANSACTION AND OTHER THAN IN THE COURSE OF THAT
2 CRIMINAL TRANSACTION OR IMMEDIATE FLIGHT THEREFROM, OR (B) INFORMATION
3 RELATING TO ANY VIOLATION OF OR FAILURE TO COMPLY WITH THE TERMS OF AN
4 ORDER OF PROTECTION, HE OR SHE WRONGFULLY INDUCES OR ATTEMPTS TO INDUCE
5 SUCH OTHER PERSON TO REFRAIN FROM COMMUNICATING SUCH INFORMATION TO ANY
6 COURT, GRAND JURY, PROSECUTOR, POLICE OFFICER OR PEACE OFFICER.
7 INTIMIDATING A VICTIM OR WITNESS IN THE FOURTH DEGREE IS A CLASS A
8 MISDEMEANOR.
9 S 6. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.