

2143

2009-2010 Regular Sessions

I N S E N A T E

February 11, 2009

Introduced by Sen. KRUGER -- 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 the criminal penalties for certain offenses relating to judicial and other proceedings

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

- 1 Section 1. The penal law is amended by adding a new section 215.90 to
2 read as follows:
3 S 215.90 CRIMINAL PENALTIES FOR CERTAIN OFFENSES RELATING TO JUDICIAL
4 AND OTHER PROCEEDINGS.
5 1. A VIOLATION OF SECTION 215.00, 215.05, 215.10, 215.11, 215.12,
6 215.13, 215.14, 215.15, 215.16, 215.17, 215.19, 215.20, 215.23, 215.25,
7 215.28, OR 215.30 OF THIS ARTICLE SHALL BE SUBJECT TO THE FOLLOWING
8 CRIMINAL PENALTIES; PROVIDED, HOWEVER, THAT NO PENALTY SHALL BE LESS
9 THAN THE CRIMINAL PENALTY PROVIDED UNDER THE APPROPRIATE SECTION OF THIS
10 ARTICLE.
11 2. IF A VIOLATION OF ANY SECTION OF THIS ARTICLE SPECIFIED IN SUBDIVI-
12 SION ONE OF THIS SECTION OCCURS DURING A JUDICIAL OR OTHER PROCEEDING
13 FOR
14 (A) A CLASS A FELONY, THE CRIME SHALL BE A CLASS B FELONY;
15 (B) A CLASS B FELONY, THE CRIME SHALL BE A CLASS C FELONY;
16 (C) A CLASS C FELONY, THE CRIME SHALL BE A CLASS D FELONY;
17 (D) A CLASS D FELONY, THE CRIME SHALL BE A CLASS E FELONY;
18 (E) A CLASS E FELONY, THE CRIME SHALL BE A CLASS A MISDEMEANOR.
19 S 2. The closing paragraph of section 215.00 of the penal law is
20 amended to read as follows:
21 Bribing a witness is SUBJECT TO THE CRIMINAL PENALTY CLASSIFICATION
22 PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT SHALL NOT BE LESS THAN
23 a class D felony.
24 S 3. The closing paragraph of section 215.05 of the penal law is
25 amended to read as follows:

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

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1 Bribe receiving by a witness is SUBJECT TO THE CRIMINAL PENALTY CLAS-
2 SIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT SHALL NOT BE
3 LESS THAN a class D felony.

4 S 4. The closing paragraph of section 215.10 of the penal law, as
5 amended by chapter 664 of the laws of 1982, is amended to read as
6 follows:

7 Tampering with a witness in the fourth degree is SUBJECT TO THE CRIMI-
8 NAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE
9 BUT SHALL NOT BE LESS THAN a class A misdemeanor.

10 S 5. The closing paragraph of section 215.11 of the penal law, as
11 added by chapter 664 of the laws of 1982, is amended to read as follows:

12 Tampering with a witness in the third degree is SUBJECT TO THE CRIMI-
13 NAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE
14 BUT SHALL NOT BE LESS THAN a class E felony.

15 S 6. The closing paragraph of section 215.12 of the penal law, as
16 added by chapter 664 of the laws of 1982, is amended to read as follows:

17 Tampering with a witness in the second degree is SUBJECT TO THE CRIMI-
18 NAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE
19 BUT SHALL NOT BE LESS THAN a class D felony.

20 S 7. The closing paragraph of section 215.13 of the penal law, as
21 added by chapter 664 of the laws of 1982, is amended to read as follows:

22 Tampering with a witness in the first degree is SUBJECT TO THE CRIMI-
23 NAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE
24 BUT SHALL NOT BE LESS THAN a class B felony.

25 S 8. Subdivision 1 of section 215.14 of the penal law, as amended by
26 chapter 331 of the laws of 1996, is amended to read as follows:

27 1. Any person who is the victim of an offense upon which an accusatory
28 instrument is based or, is subpoenaed to attend a criminal proceeding as
29 a witness pursuant to article six hundred ten of the criminal procedure
30 law or who exercises his OR HER rights as a victim as provided by
31 section 380.50 or 390.30 of the criminal procedure law or subdivision
32 two of section two hundred fifty-nine-i of the executive law and who
33 notifies his OR HER employer or agent of his OR HER intent to appear as
34 a witness, to consult with the district attorney, or to exercise his OR
35 HER rights as provided in the criminal procedure law, the family court
36 act and the executive law prior to the day of his OR HER attendance,
37 shall not on account of his OR HER absence from employment by reason of
38 such service be subject to discharge or penalty except as hereinafter
39 provided. Upon request of the employer or agent, the party who sought
40 the attendance or testimony shall provide verification of the employee's
41 service. An employer may, however, withhold wages of any such employee
42 during the period of such attendance. The subjection of an employee to
43 discharge or penalty on account of his OR HER absence from employment by
44 reason of his OR HER required attendance as a witness at a criminal
45 proceeding or consultation with the district attorney or exercise of his
46 OR HER rights as provided under law shall BE SUBJECT TO THE CRIMINAL
47 PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT
48 SHALL NOT constitute LESS THAN a class B misdemeanor.

49 S 9. The closing paragraph of section 215.15 of the penal law, as
50 added by chapter 667 of the laws of 1985, is amended to read as follows:

51 Intimidating a victim or witness in the third degree is SUBJECT TO THE
52 CRIMINAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS
53 ARTICLE BUT SHALL NOT BE LESS THAN a class E felony.

54 S 10. The closing paragraph of section 215.16 of the penal law, as
55 added by chapter 667 of the laws of 1985, is amended to read as follows:

1 Intimidating a victim or witness in the second degree is SUBJECT TO
2 THE CRIMINAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS
3 ARTICLE BUT SHALL NOT BE LESS THAN a class D felony.

4 S 11. The closing paragraph of section 215.17 of the penal law, as
5 added by chapter 667 of the laws of 1985, is amended to read as follows:

6 Intimidating a victim or witness in the first degree is SUBJECT TO THE
7 CRIMINAL PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS
8 ARTICLE BUT SHALL NOT BE LESS THAN a class B felony.

9 S 12. The closing paragraph of section 215.19 of the penal law, such
10 section as renumbered by chapter 667 of the laws of 1985, is amended to
11 read as follows:

12 Bribing a juror is SUBJECT TO THE CRIMINAL PENALTY CLASSIFICATION
13 PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT SHALL NOT BE LESS THAN
14 a class D felony.

15 S 13. The closing paragraph of section 215.20 of the penal law is
16 amended to read as follows:

17 Bribe receiving by a juror is SUBJECT TO THE CRIMINAL PENALTY CLASSI-
18 FICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT SHALL NOT BE
19 LESS THAN a class D felony.

20 S 14. The closing paragraph of section 215.23 of the penal law, as
21 added by chapter 305 of the laws of 1990, is amended to read as follows:

22 Tampering with a juror in the second degree is SUBJECT TO THE CRIMINAL
23 PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT
24 SHALL NOT BE LESS THAN a class B misdemeanor.

25 S 15. The closing paragraph of section 215.25 of the penal law, as
26 amended by chapter 305 of the laws of 1990, is amended to read as
27 follows:

28 Tampering with a juror in the first degree is SUBJECT TO THE CRIMINAL
29 PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT
30 SHALL NOT BE LESS THAN a class A misdemeanor.

31 S 16. The closing paragraph of section 215.28 of the penal law, as
32 added by chapter 305 of the laws of 1990, is amended to read as follows:

33 Misconduct by a juror in the second degree is SUBJECT TO THE CRIMINAL
34 PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT
35 SHALL NOT BE LESS THAN a violation.

36 S 17. The closing paragraph of section 215.30 of the penal law, as
37 amended by chapter 305 of the laws of 1990, is amended to read as
38 follows:

39 Misconduct by a juror in the first degree is SUBJECT TO THE CRIMINAL
40 PENALTY CLASSIFICATION PROVISIONS OF SECTION 215.90 OF THIS ARTICLE BUT
41 SHALL NOT BE LESS THAN a class A misdemeanor.

42 S 18. This act shall take effect on the first of November next
43 succeeding the date on which it shall have become a law.