

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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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 increasing the penalty for witness and jury tampering

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

1     Section 1. The closing paragraph of section 215.00 of the penal law is  
2     amended to read as follows:  
3         Bribing a witness is a class [D] C felony.  
4     S 2. The closing paragraph of section 215.05 of the penal law is  
5     amended to read as follows:  
6         Bribe receiving by a witness is a class [D] C felony.  
7     S 3. The closing paragraph of section 215.10 of the penal law, as  
8     amended by chapter 664 of the laws of 1982, is amended to read as  
9     follows:  
10         Tampering with a witness in the fourth degree is a class [A misdemea-  
11     nor] D FELONY.  
12     S 4. The closing paragraph of section 215.11 of the penal law, as  
13     added by chapter 664 of the laws of 1982, is amended to read as follows:  
14         Tampering with a witness in the third degree is a class [E] C felony.  
15     S 5. 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 a class [D] B felony.  
18     S 6. The closing paragraph of section 215.13 of the penal law, as  
19     added by chapter 664 of the laws of 1982, is amended to read as follows:  
20         Tampering with a witness in the first degree is a class [B] A felony.  
21     S 7. Subdivision 1 of section 215.14 of the penal law, as amended by  
22     chapter 331 of the laws of 1996, is amended to read as follows:  
23         1. Any person who is the victim of an offense upon which an accusatory  
24     instrument is based or, is subpoenaed to attend a criminal proceeding as  
25     a witness pursuant to article six hundred ten of the criminal procedure  
26     law or who exercises his rights as a victim as provided by section  
27     380.50 or 390.30 of the criminal procedure law or subdivision two of

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

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1 section two hundred fifty-nine-i of the executive law and who notifies  
2 his employer or agent of his intent to appear as a witness, to consult  
3 with the district attorney, or to exercise his rights as provided in the  
4 criminal procedure law, the family court act and the executive law prior  
5 to the day of his attendance, shall not on account of his absence from  
6 employment by reason of such service be subject to discharge or penalty  
7 except as hereinafter provided. Upon request of the employer or agent,  
8 the party who sought the attendance or testimony shall provide verifica-  
9 tion of the employee's service. An employer may, however, withhold  
10 wages of any such employee during the period of such attendance. The  
11 subjection of an employee to discharge or penalty on account of his  
12 absence from employment by reason of his required attendance as a  
13 witness at a criminal proceeding or consultation with the district  
14 attorney or exercise of his rights as provided under law shall consti-  
15 tute a class [B] A misdemeanor.

16 S 8. The closing paragraph of section 215.15 of the penal law, as  
17 added by chapter 667 of the laws of 1985, is amended to read as follows:

18 Intimidating a victim or witness in the third degree is a class [E] C  
19 felony.

20 S 9. The closing paragraph of section 215.16 of the penal law, as  
21 added by chapter 667 of the laws of 1985, is amended to read as follows:

22 Intimidating a victim or witness in the second degree is a class [D] B  
23 felony.

24 S 10. The closing paragraph of section 215.17 of the penal law, as  
25 added by chapter 667 of the laws of 1985, is amended to read as follows:

26 Intimidating a victim or witness in the first degree is a class [B] A  
27 felony.

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

31 Bribing a juror is a class [D] C felony.

32 S 12. The closing paragraph of section 215.20 of the penal law is  
33 amended to read as follows:

34 Bribe receiving by a juror is a class [D] C felony.

35 S 13. The closing paragraph of section 215.23 of the penal law, as  
36 added by chapter 305 of the laws of 1990, is amended to read as follows:

37 Tampering with a juror in the second degree is a class [B] A misdemea-  
38 nor.

39 S 14. The closing paragraph of section 215.25 of the penal law, as  
40 amended by chapter 305 of the laws of 1990, is amended to read as  
41 follows:

42 Tampering with a juror in the first degree is a class [A misdemeanor]  
43 E FELONY.

44 S 15. The closing paragraph of section 215.28 of the penal law, as  
45 added by chapter 305 of the laws of 1990, is amended to read as follows:

46 Misconduct by a juror in the second degree is a [violation] CLASS D  
47 MISDEMEANOR.

48 S 16. The closing paragraph of section 215.30 of the penal law, as  
49 amended by chapter 305 of the laws of 1990, is amended to read as  
50 follows:

51 Misconduct by a juror in the first degree is a class [A misdemeanor] E  
52 FELONY.

53 S 17. This act shall take effect on the first of November next  
54 succeeding the date on which it shall have become a law.