S T A T E O F N E W Y O R K

208

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 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 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:

Section 1. The closing paragraph of section 215.00 of the penal law is amended to read as follows:
Bribing a witness is a class [D] C felony.
S 2. The closing paragraph of section 215.05 of the penal law is amended to read as follows:
Bribe receiving by a witness is a class [D] C felony.
S 3. The closing paragraph of section 215.10 of the penal law, as amended by chapter 664 of the laws of 1982, is amended to read as follows:
Tampering with a witness in the fourth degree is a class [A misdemeanor] D FELONY.
S 4. The closing paragraph of section 215.11 of the penal law, as added by chapter 664 of the laws of 1982, is amended to read as follows:
Tampering with a witness in the third degree is a class [E] C felony.
S 5. The closing paragraph of section 215.12 of the penal law, as added by chapter 664 of the laws of 1982, is amended to read as follows:
Tampering with a witness in the second degree is a class [D] B felony.
S 6. The closing paragraph of section 215.13 of the penal law, as added by chapter 664 of the laws of 1982, is amended to read as follows:
Tampering with a witness in the first degree is a class [B] A felony.
S 7. Subdivision 1 of section 215.14 of the penal law, as amended by chapter 331 of the laws of 1996, is amended to read as follows:
1. Any person who is the victim of an offense upon which an accusatory instrument is based or, is subpoenaed to attend a criminal proceeding as a witness pursuant to article six hundred ten of the criminal procedure law or who exercises his rights as a victim as provided by section 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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section two hundred fifty-nine-i of the executive law and who notifies his employer or agent of his intent to appear as a witness, to consult with the district attorney, or to exercise his rights as provided in the criminal procedure law, the family court act and the executive law prior to the day of his attendance, shall not on account of his absence from employment by reason of such service be subject to discharge or penalty except as hereinafter provided. Upon request of the employer or agent, the party who sought the attendance or testimony shall provide verification of the employee's service. An employer may, however, withhold wages of any such employee during the period of such attendance. The subjection of an employee to discharge or penalty on account of his absence from employment by reason of his required attendance as a witness at a criminal proceeding or consultation with the district attorney or exercise of his rights as provided under law shall constitute a class [B] A misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

Tampering with a juror in the second degree is a class [B] A misdemeanor.

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

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

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

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

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

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

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