

CERTIFICATION OF ENROLLMENT

SENATE BILL 5520

Chapter 29, Laws of 1997

55th Legislature
1997 Regular Session

INTIMIDATING WITNESSES

EFFECTIVE DATE: 7/27/97

Passed by the Senate March 12, 1997
YEAS 44 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 8, 1997
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 15, 1997

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5520** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 15, 1997 - 5:47 p.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5520

Passed Legislature - 1997 Regular Session

State of Washington

55th Legislature

1997 Regular Session

By Senator McCaslin

Read first time 01/29/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to intimidation of witnesses; and amending RCW
2 9A.72.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9A.72.110 and 1994 c 271 s 204 are each amended to
5 read as follows:

6 (1) A person is guilty of intimidating a witness if a person
7 ~~((directs a threat to a former witness because of the witness'~~
8 ~~testimony in any official proceeding, or if)),~~ by use of a threat
9 ~~((directed to))~~ against a current or prospective witness ~~((or a person~~
10 ~~he or she has reason to believe is about to be called as a witness in~~
11 ~~any official proceeding or to a person whom he or she has reason to~~
12 ~~believe may have information relevant to a criminal investigation or~~
13 ~~the abuse or neglect of a minor child, he or she)),~~ attempts to:

14 (a) Influence the testimony of that person; ~~((or))~~

15 (b) Induce that person to elude legal process summoning him or her
16 to testify; ~~((or))~~

17 (c) Induce that person to absent himself or herself from such
18 proceedings; or

1 (d) Induce that person not to report the information relevant to a
2 criminal investigation or the abuse or neglect of a minor child, (~~not~~
3 ~~to prosecute the crime or the abuse or neglect of a minor child,~~) not
4 to have the crime or the abuse or neglect of a minor child prosecuted,
5 or not to give truthful or complete information relevant to a criminal
6 investigation or the abuse or neglect of a minor child.

7 (2) A person also is guilty of intimidating a witness if the person
8 directs a threat to a former witness because of the witness's role in
9 an official proceeding.

10 (3) As used in this section:

11 (a) "Threat" (~~as used in this section~~) means:

12 (~~(a)~~) (i) To communicate, directly or indirectly, the intent
13 immediately to use force against any person who is present at the time;
14 or

15 (~~(b)~~) (ii) Threat(~~s~~) as defined in RCW 9A.04.110(25).

16 (~~(3)~~) (b) "Current or prospective witness" means:

17 (i) A person endorsed as a witness in an official proceeding;

18 (ii) A person whom the actor believes may be called as a witness in
19 any official proceeding; or

20 (iii) A person whom the actor has reason to believe may have
21 information relevant to a criminal investigation or the abuse or
22 neglect of a minor child.

23 (c) "Former witness" means:

24 (i) A person who testified in an official proceeding;

25 (ii) A person who was endorsed as a witness in an official
26 proceeding;

27 (iii) A person whom the actor knew or believed may have been called
28 as a witness if a hearing or trial had been held; or

29 (iv) A person whom the actor knew or believed may have provided
30 information related to a criminal investigation or an investigation
31 into the abuse or neglect of a minor child.

32 (4) Intimidating a witness is a class B felony.

Passed the Senate March 12, 1997.

Passed the House April 8, 1997.

Approved by the Governor April 15, 1997.

Filed in Office of Secretary of State April 15, 1997.