

HCS HB 1617 -- OBSTRUCTION OF SECURITIES INVESTIGATION

SPONSOR: Byrd (Hanaway)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 16 to 0 with 1 present.

This substitute creates the crime of obstruction of a securities administrative proceeding or investigation. The crime is punishable by a fine of up to \$500,000, imprisonment for up to 10 years, or both. The crime is committed when a person alters, destroys, conceals, or withholds any record requested by the Commissioner of Securities in the Office of the Secretary of State with the intent of obstructing, evading, or influencing:

- (1) An investigation of a suspected securities violation; or
- (2) The administration of any other proceeding involving the regulation of securities.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2005, FY 2006, and FY 2007. No impact on Other State Funds in FY 2005, FY 2006, and FY 2007.

PROPOSERS: Supporters say that the bill sends a clear message that destroying documents which are the subject of an investigation is a very serious offense and will be dealt with accordingly.

Testifying for the bill were Representative Hanaway; and Office of Secretary of State.

OPPOSERS: There was no opposition voiced to the committee.

Julie Jinkens McNitt, Legislative Analyst