

SECOND REGULAR SESSION

# HOUSE BILL NO. 2469

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WEBB (Sponsor) AND JONES (63) (Co-sponsor).

5490L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 575.010 and 575.270, RSMo, and to enact in lieu thereof five new sections relating to tampering with or intimidating victims and witnesses, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 575.010 and 575.270, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 575.010, 575.270, 575.272, 575.274, and 575.276, to read as follows:

575.010. The following definitions shall apply to this chapter and chapter 576, RSMo:

(1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

(3) "Highway" means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(4) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

(5) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(6) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(7) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (8) "Police animal" means a dog, horse or other animal used in law enforcement or a  
17 correctional facility, or by a municipal police department, fire department, search and rescue unit  
18 or agency, whether the animal is on duty or not on duty. The term shall include, but not be  
19 limited to, Saccelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and  
20 rescue dogs and tracking animals;

21 (9) "Public record" means any document which a public servant is required by law to  
22 keep;

23 (10) "Testimony" means any oral statement under oath or affirmation;

24 (11) "Victim" means any natural person against whom any crime [is deemed to have] **has**  
25 been perpetrated or attempted;

26 (12) "Witness" means any natural person:

27 (a) Having knowledge of the existence or nonexistence of facts relating to **or the**  
28 **circumstances surrounding** any crime, **criminal activity, conduct, or transaction**; or

29 (b) **Who has been identified as such by any party to any official proceeding in this**  
30 **state; or**

31 (c) Whose declaration under oath is **or was** received as evidence for any purpose; or

32 [(c)] (d) Who has reported any crime to any **law enforcement officer, police officer,**  
33 peace officer or prosecutor; or

34 [(d)] (e) Who has been served with a subpoena issued under he authority of any court of  
35 this state.

575.270. 1. A person commits the crime of tampering with a witness **or victim** if, with  
2 **the** purpose to induce a witness or a prospective witness **or a victim in an official proceeding**  
3 to disobey a subpoena or other legal process, [or] to absent himself or **herself from any**  
4 **proceeding to** avoid subpoena or other legal process, [or] to withhold evidence, information or  
5 documents, or to testify falsely, he **or she**:

6 (1) [Threatens or causes harm to any person or property; or

7 (2) Uses force, threats or deception; or

8 (3)] Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness  
9 **or victim; or**

10 [(4)] (2) Conveys any [of the foregoing] **benefit, directly or indirectly**, to another in  
11 furtherance of a conspiracy.

12 2. [A person commits the crime of "victim tampering" if, with purpose to do so, he  
13 prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any  
14 crime or a person who is acting on behalf of any such victim from:

15 (1) Making any report of such victimization to any peace officer, or state, local or federal  
16 law enforcement officer or prosecuting agency or to any judge;

17 (2) Causing a complaint, indictment or information to be sought and prosecuted or  
18 assisting in the prosecution thereof;

19 (3) Arresting or causing or seeking the arrest of any person in connection with such  
20 victimization.

21 3.] Tampering with a witness [in a prosecution, tampering with a witness with purpose  
22 to induce the witness to testify falsely, or victim tampering] **or victim** is a class C felony if the  
23 original charge is a felony. Otherwise, tampering with a witness or victim [tampering] is a class  
24 A misdemeanor. Persons convicted under this section shall not be eligible for **probation or**  
25 parole.

**575.272. 1. A person commits the crime of intimidating a witness or victim in the  
2 first degree if such person, believing that a witness or victim possesses information relating  
3 to criminal activity, conduct, or transactions:**

4 (1) **Knowingly causes serious physical injury to any person for the purpose of  
5 obstructing, delaying, preventing, or impeding the communication by a witness or victim  
6 of information related to criminal activity, conduct, or transactions to any court, grand  
7 jury, prosecuting attorney or his or her assistants or investigators, circuit attorney or his  
8 or her assistants or investigators, law enforcement officer, police officer, or peace officer,  
9 or for the purpose of compelling such witness or victim to swear falsely; or**

10 (2) **Knowingly causes serious physical injury to any person because a witness or  
11 victim communicated information relating to criminal activity, conduct, or transactions to  
12 any court, grand jury, prosecuting attorney or his or her assistants or investigators, circuit  
13 attorney or his or her assistants or investigators, law enforcement officer, police officer, or  
14 peace officer.**

15 **2. Intimidating a witness or victim in the first degree is a class A felony. Persons  
16 convicted under this section shall not be eligible for probation or parole.**

**575.274. 1. A person commits the crime of intimidating a witness or victim in the  
2 second degree if such person, believing that a witness or victim possesses information  
3 relating to criminal activity, conduct, or transactions:**

4 (1) **Knowingly causes physical injury to another person for the purpose of  
5 obstructing, delaying, preventing, or impeding the communication by a witness or victim  
6 of information relating to criminal activity, conduct, or transactions to any court, grand  
7 jury, prosecuting attorney or his or her assistants or investigators, circuit attorney or his  
8 or her assistants or investigators, law enforcement officer, police officer, or peace officer,  
9 or for the purpose of compelling a witness or victim to swear falsely; or**

10 (2) **Knowingly causes physical injury to another person because a witness or victim  
11 communicated information relating to criminal activity, conduct, or transactions to any**

12 court, grand jury, prosecuting attorney or his or her assistants or investigators, circuit  
13 attorney or his or her assistants or investigators, law enforcement officer, police officer or  
14 peace officer; or

15 (3) Recklessly causes physical injury to another person for the purpose of  
16 obstructing, delaying, preventing or impeding a witness or victim from communicating  
17 criminal activity, conduct, or transactions to any court, grand jury, prosecuting attorney  
18 or his or her assistants or investigators, circuit attorneys or his or her assistants or  
19 investigators, law enforcement officer, police officer, or peace officer.

20 2. Intimidating a witness or victim in the second degree is a class B felony. Persons  
21 convicted under this section shall not be eligible for probation or parole.

575.276. 1. A person commits the crime of intimidating a witness or victim in the  
2 third degree if such person, believing that a witness or victim possesses information  
3 relating to criminal activity, conduct, or transactions:

4 (1) Knowingly prevents, dissuades, or attempts to prevent or dissuade, either  
5 directly or indirectly, any witness or victim from identifying themselves or communicating  
6 their information to any court, grand jury, prosecuting attorney or his or her assistants or  
7 investigators, circuit attorney or his or her assistants or investigators, law enforcement  
8 officer, police officer, or peace officer by means of conveying or implying a threat of  
9 physical injury to, or damage to the property of, any person; or

10 (2) Knowingly damages the property of any person for the purpose of obstructing,  
11 delaying, preventing, or impeding such a witness or victim from communicating, or  
12 because a witness or victim communicated information relating to criminal activity,  
13 conduct, or transactions to any court, grand jury, prosecuting attorney or his or her  
14 assistants or investigators, circuit attorney or his or her assistants or investigators, law  
15 enforcement officer, police officer, or peace officer.

16 2. Intimidating a witness or victim in the third degree is a class D felony. Persons  
17 convicted under this section shall not be eligible for probation or parole.

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