

ENGROSSED HOUSE
BILL NO. 2617

By: Paulk of the House
and
Brown of the Senate

An Act relating to crimes and punishments; providing for crimes against witnesses, persons attending official proceedings, and informants; providing punishments; providing scope of application to proceeding, testimony, record, document or other object; providing that certain propositions need not be proved; repealing 21 O.S. 1991, Section 455, as amended by Section 1, Chapter 182, O.S.L. 1993 (21 O.S. Supp. 1995, Section 455), which relates to preventing witnesses from giving testimony; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 455.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. 1. Whoever kills or attempts to kill another person, with intent to:

- a. prevent the attendance or testimony of any person in an official proceeding,

- b. prevent the production of a record, document, or other object, in an official proceeding, or
- c. prevent the communication by any person to a law enforcement officer or judge of this state of information relating to the commission or possible commission of an offense in violation of the laws of this state or a violation of conditions of probation, parole, or release pending judicial proceedings,

shall be punished as provided in paragraph 2 of this subsection.

2. The punishment for an offense under this subsection is:

- a. in the case of murder in the first degree, the death penalty, life imprisonment without parole, or imprisonment for life, and in the case of any other homicide, the punishment provided for the offense by the Oklahoma Statutes, or
- b. in the case of an attempt to kill, imprisonment for not more than twenty (20) years.

B. Whoever knowingly uses intimidation or physical force, threatens, or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to:

1. Influence, delay, or prevent the testimony of any person in an official proceeding; or

2. Cause or induce any person to:

- a. withhold testimony, or withhold a record, document, or other object, from an official proceeding,
- b. alter, destroy, mutilate, or conceal an object with intent to impair the integrity or availability of the object for use in an official proceeding,
- c. evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding, or

d. be absent from an official proceeding to which such person has been summoned by legal process; or

3. Hinder, delay, or prevent the communication to a law enforcement officer or judge of this state of information relating to the commission or possible commission of an offense in violation of the laws of this state or a violation of conditions of probation, parole, or release pending judicial proceedings, shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars (\$10,000.00) or imprisoned not more than ten (10) years, or shall be both fined and imprisoned.

C. Whoever intentionally harasses another person and thereby hinders, delays, prevents, or dissuades any person from:

1. Attending or testifying in an official proceeding;

2. Reporting to a law enforcement officer or judge of this state the commission or possible commission of an offense in violation of the laws of this state or a violation of conditions of probation, parole, or release pending judicial proceedings;

3. Arresting or seeking the arrest of another person in connection with an offense in violation of the laws of this state; or

4. Causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted, or assisting in such prosecution or proceeding, or attempts to do so, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than one (1) year, or shall be both fined and imprisoned.

D. For the purposes of this section:

1. An official proceeding need not be pending or about to be instituted at the time of the offense; and

2. The testimony, or the record, document, or other object need not be admissible in evidence or free of a claim of privilege.

E. In a prosecution for an offense pursuant to this section, no state of mind need be proven with respect to the following circumstance:

1. That the official proceeding before a judge, court, magistrate, grand jury, or government agency is before a judge, court, magistrate, grand jury, or government agency of the State of Oklahoma; or

2. That the judge is a judge of the State of Oklahoma or that the law enforcement officer is an officer or employee of the State of Oklahoma, a person authorized to act for or on behalf of the State of Oklahoma, or a person serving the State of Oklahoma as an adviser or consultant.

SECTION 2. REPEALER 21 O.S. 1991, Section 455, as amended by Section 1, Chapter 182, O.S.L. 1993 (21 O.S. Supp. 1995, Section 455), is hereby repealed.

SECTION 3. This act shall become effective November 1, 1996.

Passed the House of Representatives the 27th day of February, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate