

No. 2001-90

AN ACT

HB 17

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for intimidation of witnesses and victims; and providing for aggravated jury tampering.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4952 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4952. Intimidation of witnesses or victims.

(a) **Offense defined.**—A person commits an offense if, with the intent to or with the knowledge that his conduct will obstruct, impede, impair, prevent or interfere with the administration of criminal justice, he intimidates or attempts to intimidate any witness or victim to:

(1) Refrain from informing or reporting to any law enforcement officer, prosecuting official or judge concerning any information, document or thing relating to the commission of a crime.

(2) Give any false or misleading information or testimony relating to the commission of any crime to any law enforcement officer, prosecuting official or judge.

(3) Withhold any testimony, information, document or thing relating to the commission of a crime from any law enforcement officer, prosecuting official or judge.

(4) Give any false or misleading information or testimony or refrain from giving any testimony, information, document or thing, relating to the commission of a crime, to an attorney representing a criminal defendant.

(5) Elude, evade or ignore any request to appear or legal process summoning him to appear to testify or supply evidence.

(6) Absent himself from any proceeding or investigation to which he has been legally summoned.

(b) **Grading.**—

(1) The offense is a felony of the [third] degree *indicated in paragraphs (2) through (4)* if:

[(1)] (i) The actor employs force, violence or deception, or threatens to employ force or violence, upon the witness or victim or, with the requisite intent or knowledge upon any other person.

[(2)] (ii) The actor offers any pecuniary or other benefit to the witness or victim or, with the requisite intent or knowledge, to any other person.

[(3)] (iii) The actor's conduct is in furtherance of a conspiracy to intimidate a witness or victim.

[(4)] (iv) The actor [solicits another to or] accepts [or], agrees or solicits another to accept any pecuniary or other benefit to intimidate a witness or victim.

[(5)] (v) The actor has suffered any prior conviction for any violation of this [title] section or any predecessor law hereto, or has been convicted, under any Federal statute or statute of any other state, of an act which would be a violation of this [title] section committed in this State.

(2) *The offense is a felony of the first degree if a felony of the first degree or murder in the first or second degree was charged in the case in which the actor sought to influence or intimidate a witness or victim as specified in this subsection.*

(3) *The offense is a felony of the second degree if a felony of the second degree is the most serious offense charged in the case in which the actor sought to influence or intimidate a witness or victim as specified in this subsection.*

(4) *The offense is a felony of the third degree in any other case in which the actor sought to influence or intimidate a witness or victim as specified in this subsection.*

(5) Otherwise the offense is a misdemeanor of the second degree.

Section 2. Title 42 is amended by adding a section to read:

§ 4583.1. Aggravated jury tampering.

(a) *Offense defined.*—A person commits the offense of aggravated jury tampering if the person influences, intimidates or impedes or attempts to influence, intimidate or impede a juror in the discharge of the juror's duties in a civil or criminal trial and:

(1) *The actor employs force, violence or deception or threatens to employ force or violence upon the juror or, with the requisite intent or knowledge, upon any other person.*

(2) *The actor offers any pecuniary or other benefit to the juror or, with the requisite intent or knowledge, to any other person.*

(3) *The actor's conduct is in furtherance of a conspiracy to intimidate a juror.*

(4) *The actor accepts, agrees or solicits another to accept any pecuniary or other benefit to intimidate a juror.*

(b) *Grading.*—

(1) *The offense is a felony of the first degree if murder in the first degree or second degree or a felony of the first degree is the highest classification of crime submitted for deliberation to the jury of which the juror is a member.*

(2) *The offense is a felony of the second degree if a felony of the second degree is the highest classification of crime submitted for deliberation to the jury of which the juror is a member.*

(3) The offense is a felony of the third degree for any other violation of this section.

Section 3. This act shall take effect in 60 days.

APPROVED—The 10th day of December, A.D. 2001.

MARK S. SCHWEIKER