

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1122 Session of
2007

INTRODUCED BY WANSACZ, STURLA, SANTONI, SHIMKUS, WOJNAROSKI,
BARRAR, BOYD, CASORIO, DeLUCA, FABRIZIO, GEIST, GINGRICH,
GODSHALL, GOODMAN, HARHAI, KILLION, KORTZ, LEACH, MARKOSEK,
MURT, NAILOR, PAYTON, READSHAW, REICHLEY, SCHRODER, HORNAMAN
AND JOSEPHS, APRIL 23, 2007

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 23, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions and
3 for the offenses of intimidation of witnesses or victims,
4 retaliation against witness, victim or party and for
5 retaliation against prosecutor or judicial official.

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

8 Section 1. Section 4501 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended by adding definitions to read:

10 § 4501. Definitions.

11 Subject to additional definitions contained in subsequent
12 provisions of this article which are applicable to specific
13 chapters or other provisions of this article, the following
14 words and phrases, when used in this article shall have, unless
15 the context clearly indicates otherwise, the meanings given to
16 them in this section:

17 * * *

18 "Disciplinary proceeding." An action before a licensing

1 board which determines whether discipline is to be imposed upon
2 a licensee under the jurisdiction of the licensing board.

3 "Discipline." A sanction imposed by a licensing board upon a
4 licensee under its jurisdiction.

5 * * *

6 "Licensing board." Any of the following:

7 (1) A board or commission:

8 (i) which is empowered to license, certify or
9 register individuals as members of an occupation or
10 profession; and

11 (ii) of which the Commissioner of Professional and
12 Occupational Affairs is a member.

13 (2) The State Board of Certified Real Estate Appraisers.

14 (3) The Navigation Commission for the Delaware River and
15 its navigable tributaries.

16 * * *

17 "Professional or occupational license." An authorization by
18 a licensing board to practice a profession or occupation. The
19 term includes a temporary practice permit, a temporary license,
20 certification or registration.

21 * * *

22 Section 2. Sections 4951, 4952(a), 4953(a) and 4953.1(c) of
23 Title 18 are amended to read:

24 § 4951. Definitions.

25 The following words and phrases when used in this subchapter
26 shall have, unless the context clearly indicates otherwise, the
27 meanings given to them in this section:

28 "Victim." [Any] A person against whom any crime as defined
29 under the laws of this State or of any other state or of the
30 United States is being or has been perpetrated or attempted[.]

1 or a person who has filed a complaint with the Department of
2 State against the holder of a professional or occupational
3 license.

4 "Witness." [Any] A person having knowledge of the existence
5 or nonexistence of facts or information relating to any crime,
6 including but not limited to those who have reported facts or
7 information to any law enforcement officer, prosecuting
8 official, attorney representing a criminal defendant or judge,
9 those who have been served with a subpoena issued under the
10 authority of this State or any other state or of the United
11 States, and those who have given written or oral testimony in
12 any criminal matter; or who would be believed by any reasonable
13 person to be an individual described in this definition. The
14 term includes a person having knowledge of the existence or
15 nonexistence of facts or information relating to a disciplinary
16 proceeding or an investigation conducted by the Department of
17 State into the acts or omissions of a holder of a professional
18 or occupational license which, if prosecuted, would lead to a
19 disciplinary proceeding.

20 § 4952. Intimidation of witnesses or victims.

21 (a) Offense defined.--A person commits an offense if, with
22 the intent to or with the knowledge that his conduct will
23 obstruct, impede, impair, prevent or interfere with the
24 administration of criminal justice, with the administration of
25 disciplinary proceedings or with the administration of an
26 investigation conducted by the Department of State into the acts
27 or omissions of a holder of a professional or occupational
28 license which, if prosecuted, would lead to a disciplinary
29 proceeding, he intimidates or attempts to intimidate any witness
30 or victim to:

1 (1) Refrain from informing or reporting to any law
2 enforcement officer, prosecuting official or judge concerning
3 any information, document or thing relating to the commission
4 of a crime[.] or refrain from informing or reporting any
5 information, document or thing relating to a disciplinary
6 proceeding or an investigation by the Department of State
7 into the acts or omissions of a holder of a professional or
8 occupational license which, if prosecuted, would lead to a
9 disciplinary proceeding.

10 (2) Give any false or misleading information or
11 testimony relating to the commission of any crime to any law
12 enforcement officer, prosecuting official or judge[.] or give
13 any false or misleading information or testimony relating to
14 a disciplinary proceeding or give any false or misleading
15 information to an employee of the Department of State who is
16 concerned with the administration of an investigation into
17 the acts or omissions of a holder of a professional or
18 occupational license which, if prosecuted, would lead to a
19 disciplinary proceeding.

20 (3) Withhold any testimony, information, document or
21 thing relating to the commission of a crime from any law
22 enforcement officer, prosecuting official or judge[.] or
23 withhold any testimony, information, document or thing
24 relating to a disciplinary proceeding or an investigation
25 conducted by the Department of State into the acts or
26 omissions of a holder of a professional or occupational
27 license which, if prosecuted, would lead to a disciplinary
28 proceeding.

29 (4) Give any false or misleading information or
30 testimony or refrain from giving any testimony, information,

1 document or thing, relating to the commission of a crime, to
2 an attorney representing a criminal defendant[.] or give any
3 false or misleading information or testimony or refrain from
4 giving any testimony, information, document or thing relating
5 to a disciplinary proceeding, to an attorney representing a
6 holder of a professional or occupational license.

7 (5) Elude, evade or ignore any request to appear or
8 legal process summoning him to appear to testify or supply
9 evidence[.] relating to a criminal matter or elude, evade or
10 ignore any request or legal process summoning him to appear
11 to testify in a disciplinary proceeding or supply evidence
12 relating to a disciplinary proceeding or an investigation
13 conducted by the Department of State relating to the acts or
14 omissions of a holder of a professional or occupational
15 license which, if prosecuted, would lead to a disciplinary
16 proceeding.

17 (6) Absent himself from any proceeding or investigation
18 to which he has been legally summoned. This paragraph
19 includes a disciplinary proceeding or an investigation
20 conducted by the Department of State into the acts or
21 omissions of a holder of a professional or occupational
22 license which, if prosecuted, would lead to a disciplinary
23 proceeding.

24 * * *

25 § 4953. Retaliation against witness, victim or party.

26 (a) Offense defined.--A person commits an offense if he
27 harms another by any unlawful act or engages in a course of
28 conduct or repeatedly commits acts which threaten another in
29 retaliation for anything lawfully done in the capacity of
30 witness, victim or a party in a civil matter or a disciplinary

1 proceeding.

2 * * *

3 § 4953.1. Retaliation against prosecutor or judicial official.

4 * * *

5 (c) Definitions.--As used in this section, the following
6 words and phrases shall have the meanings given to them in this
7 subsection:

8 "Judicial official." Any person who is a:

9 (1) judge of the court of common pleas;

10 (2) judge of the Commonwealth Court;

11 (3) judge of the Superior Court;

12 (4) justice of the Supreme Court;

13 (5) magisterial district judge;

14 (6) judge of the Pittsburgh Magistrate's Court;

15 (7) judge of the Philadelphia Municipal Court;

16 (8) judge of the Traffic Court of Philadelphia; [or]

17 (9) master appointed by a judge of a court of common
18 pleas[.]; or

19 (10) hearing examiner for a licensing board or a member
20 of a licensing board.

21 "Prosecutor." Any person who is:

22 (1) an Attorney General;

23 (2) a deputy attorney general;

24 (3) a district attorney; [or]

25 (4) an assistant district attorney[.]; or

26 (5) a prosecutor for a licensing board.

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