
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 164 Session of
2007

INTRODUCED BY KITCHEN, RAFFERTY, MELLOW, MUSTO, BOSCOLA,
FONTANA, STOUT, O'PAKE, COSTA, TARTAGLIONE, FERLO, STACK,
ORIE, RHOADES AND LOGAN, MARCH 6, 2007

REFERRED TO JUDICIARY, MARCH 6, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for intimidation of
3 witnesses or victims.

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

6 Section 1. Sections 4952 and 4953 of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 4952. Intimidation of witnesses or victims.

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

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

18 (2) Give any false or misleading information or

1 testimony relating to the commission of any crime to any law
2 enforcement officer, prosecuting official or judge.

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

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

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

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

15 (b) Grading.--

16 (1) The offense is a felony of the degree indicated in
17 paragraphs (2) [through (4)] and (3) if:

18 (i) The actor employs force, violence or deception,
19 or threatens to employ force or violence, upon the
20 witness or victim or, with the requisite intent or
21 knowledge upon any other person.

22 (ii) The actor offers any pecuniary or other benefit
23 to the witness or victim or, with the requisite intent or
24 knowledge, to any other person.

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

27 (iv) The actor accepts, agrees or solicits another
28 to accept any pecuniary or other benefit to intimidate a
29 witness or victim.

30 (v) The actor has suffered any prior conviction for

1 any violation of this section or any predecessor law
2 hereto, or has been convicted, under any Federal statute
3 or statute of any other state, of an act which would be a
4 violation of this section if committed in this State.

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

10 (3) The offense is a felony of the second degree [if a
11 felony of the second degree is the most serious offense
12 charged in the] in any other case in which the actor sought
13 to influence or intimidate a witness or victim as specified
14 in this subsection.

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

19 (5) Otherwise the offense is a misdemeanor of the
20 [second] first degree.

21 § 4953. Retaliation against witness, victim or party.

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

27 (b) Grading.--The offense is a felony of the [third] second
28 degree if the retaliation is accomplished by any of the means
29 specified in section 4952(b)(1) through (5) (relating to
30 intimidation of witnesses or victims). Otherwise the offense is

1 a misdemeanor of the [second] first degree.

2 Section 2. This act shall take effect in 60 days.