HOUSE . . . . . No. 3977

By Mr. Mahoney of Worcester, a petition (subject to Joint Rule 12) of John J. Mahoney, John P. Fresolo and Joseph D. Early, Jr. relative to the intimidation of witnesses, jurors and persons furnishing information in connection with criminal proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act Relative to the Intimidation of a Witness Statute.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 13B of chapter 268 of the General Laws, as most recently amended by section 120 of chapter 256 of the acts of 2010, is hereby amended by striking out, in subclause (v), the words "with the intent to impede, obstruct, delay, harm, punish or otherwise interfere thereby, or do so with reckless disregard, with such a proceeding shall be punished by imprisonment in a jail or house of correction for not more than 2 and one-half years or by imprisonment in a state prison for not more than 10 years, or by a fine of not less than $1,000 nor more than $5,000, or by both such fine and imprisonment".

SECTION 2. Section 13B, as so appearing, is hereby further amended by inserting the following 2 paragraphs:-

(d) and engages in any conduct described in clauses (a), (b) and (c) of subsection (1) with the intent to harm, punish or influence any person described in subclauses (i) through (v) of clause (c) of subsection (1) or with the intent to impede, obstruct, delay influence or interfere with any investigation, proceeding, trial, hearing or mediation described in subclauses (i) through (v) of clause (c) of subsection (1) or acts with reckless disregard to achieve the same purpose shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in jail or house or correction for not more than two and one half years, or by a fine of not less than $1,000 nor more than $5,000, or by both such fine and imprisonment.

(e) This section shall apply to all investigations, proceedings, trials, hearings and mediations described in subclauses (i) through (v) of clause (c) of subsection (1) without regard to whether such investigations, proceedings, trials, hearings and mediations are pending or concluded.