HOUSE DOCKET, NO. 1114 FILED ON: 1/14/2015

HOUSE . . . . . No. 1460

The Commonwealth of Massachusetts

PRESENTED BY:

David Paul Linsky

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the intimidation of witnesses and interfering with justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
David Paul Linsky	*5th Middlesex*

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HOUSE . . . . . No. 1460

By Mr. Linsky of Natick, a petition (accompanied by bill, House, No. 1460) of David Paul Linsky relative to intimidation in the criminal justice system. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1472* OF 2013-2014.]

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the intimidation of witnesses and interfering with justice.

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. Chapter 268 of the General Laws, section 13B, is hereby amended by striking out the section in its entirety and replacing it with the following:

Section 13B.

(1) Whoever, directly or indirectly, willfully

(a) threatens, or attempts or causes physical injury, emotional injury, economic injury or property damage to,

(b) conveys a gift, offer or promise of anything of value to, or

(c) misleads, intimidates or harasses;

(2) another person who is

10 (a) a judge, juror, grand juror, attorney, police officer, federal agent, investigator,
11 clerk, court officer, court reporter, probation officer or parole officer,

12 (b) a person who is a witness or potential witness,

13 (c) a person who is or was aware of information, records, documents or objects that
14 relate to a violation of a criminal statute, or a violation of conditions of probation, parole, bail, or
15 other court order, or

16 (d) a person who is or was attending, or had made known his intention to attend a
17 proceeding referenced in subsection (3);

18 (3) with the intent to

19 (a) impede, obstruct, delay, prevent or otherwise interfere with

20 (i) a criminal investigation at any stage, a grand jury proceeding, a dangerousness
21 hearing, a motion hearing, a trial or other criminal proceeding of any type, or a parole hearing, or
22 parole violation proceeding, or probation violation proceeding, or

23 (ii) an administrative hearing, or a probate and family proceeding, juvenile
24 proceeding, housing proceeding, land proceeding, clerk's hearing, court-ordered mediation, or
25 any other civil proceeding of any type; or

26 (b) punish, harm or otherwise retaliate against any person described in subsection (2)
27 for their participation in any of the aforementioned proceedings shall be punished by
28 imprisonment in the state prison for not more than ten years, or by imprisonment in jail or house
29 of correction for not more than two and one half years, or by a fine of not less than $1,000 nor
30 more than $5,000, or by both such fine and imprisonment.

31 (4) As used in this section, “investigator” shall mean an individual or group of
32 individuals lawfully authorized by a department or agency of the federal government, or any
33 political subdivision thereof, or a department or agency of the commonwealth, or any political
34 subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a
35 violation of the laws of the United States or of the commonwealth in the course of his official
36 duties.

37 (5) As used in this section, “harass” shall mean to engage in any act directed at a specific
38 person or persons, which act seriously alarms or annoys such person or persons and would cause
39 a reasonable person to suffer substantial emotional distress. Such act shall include, but not be
40 limited to, an act conducted by mail or by use of a telephonic or telecommunication device or
41 electronic communication device including but not limited to any device that transfers signs,
42 signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in
43 part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, including, but
44 not limited to, electronic mail, internet communications, instant messages or facsimile
45 communications.

46 (6) A prosecution under this section may be brought in the county in which the criminal
47 investigation, grand jury proceeding, trial or other criminal proceeding is being conducted or
48 took place, or in the county in which the alleged conduct constituting an offense occurred.