

# HOUSE . . . . . No. 3987

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By Mr. Linsky of Natick, a petition (subject to Joint Rule 12) of David Paul Linsky relative to intimidation in the criminal justice system. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven  
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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:*

1           Section 1. Chapter 268 of the General Laws, section 13B, is hereby amended by striking  
2           out the section in its entirety and replacing it with the following:

3           Section 13B.

4           (1) Whoever, directly or indirectly, willfully

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

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

8           (c)     misleads, intimidates or harasses;

9           (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,

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

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

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

(3) with the intent to

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

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

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

(b) punish, harm or otherwise retaliate against any person described in subsection (2) for their participation in any of the aforementioned proceedings shall be punished by imprisonment in the state prison for not more than ten years, or by imprisonment in jail or house of 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.

(4) As used in this section, "investigator" shall mean an individual or group of individuals lawfully authorized by a department or agency of the federal government, or any

political subdivision thereof, or a department or agency of the commonwealth, or any political subdivision thereof, to conduct or engage in an investigation of, prosecution for, or defense of a violation of the laws of the United States or of the commonwealth in the course of his official duties.

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

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