

**HOUSE . . . . . No. 4064**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Nicholas A. Boldyga***

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*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 to safeguard judicial integrity through enhanced witness protection.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>	<i>1/17/2025</i>

**HOUSE . . . . . No. 4064**

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By Representative Boldyga of Southwick, a petition (accompanied by bill, House, No. 4064) of Nicholas A. Boldyga relative to witness protection and intimidation. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
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An Act to safeguard judicial integrity through enhanced witness protection.

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

1 Chapter 268 of the General Laws is hereby amended by striking out section 13B and  
2 inserting in place thereof the following section:-

3 Section 13B. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:

5 "Intimidation", the use of explicit or implicit threats, physical force, offering bribes or  
6 gifts, extortion, blackmail or other coercive means where the accused communicates, either  
7 directly or through third parties, an intent to:

8 (i) cause fear of physical injury or damage to property; and

9 (ii) influence the testimony of any person in an official proceeding through  
10 communication of such intent.

11 "Official Proceeding", any proceeding before a legislative, judicial, administrative or  
12 other government agency or official authorized to take evidence under oath or affirmation.

13 (b) A person commits the offense of witness intimidation if they:

14 (i) communicate, either explicitly or implicitly, an intent to prevent or dissuade any  
15 person from attending or testifying in an official proceeding;

16 (ii) communicate, either explicitly or implicitly, an intent to prevent or dissuade any  
17 person from reporting to law enforcement or any official body any information related to a crime  
18 or violation of law;

19 (iii) communicate, either directly or through third parties, an intent to influence any  
20 person to testify falsely or withhold testimony in an official proceeding through offering bribes  
21 or gifts or through acts of extortion or blackmail; or

22 (iv) communicate, either explicitly or implicitly, a retaliatory intent against a person for  
23 having testified or provided information in any official proceeding.

24 (c) This section shall not be construed to apply to:

25 (i) statements or expressions protected by the First Amendment to the United States  
26 Constitution or Article 16 of the Massachusetts Declaration of Rights, including:

27 (1) criticism of public officials or public policy; or

28 (2) commentary, reporting or discourse on matters of public interest or legal proceedings,  
29 provided such expressions do not include explicit or implicit threats of physical harm or property  
30 damage intended to coerce or intimidate; or

31 (ii) the right to petition the government for redress of grievances.

32 (d) (1) A violation of this section involving physical force shall be punishable by  
33 imprisonment in a state prison for not more than 10 years, or by a fine of not more than \$25,000,  
34 or both such fine and imprisonment.

35 (2) A violation of this section that involves an explicit or implicit threat, the offering of  
36 bribes or gifts or extortion shall be punishable by a fine of not more than \$5,000, or by  
37 imprisonment in a jail or house of correction for not more than 2½ years, or both such fine and  
38 imprisonment.

39 (e) The intent to intimidate must be communicated by the accused, whether explicitly or  
40 implicitly. The perception or belief of intimidation by the witness alone shall not suffice to  
41 establish the crime of witness intimidation under this section. Evidence of intent shall come from  
42 the words or actions directly attributable to the accused indicating their communicated purpose  
43 to influence, prevent, dissuade or retaliate.

44 (f) The Massachusetts peace officer standards and training commission, established in  
45 section 2 of chapter 6E, shall develop and implement training for all law enforcement officers on  
46 the application of this section, emphasizing the need for evidence of communicated intent from  
47 the accused to ensure that it is not misused to suppress constitutionally protected speech.