

FIRST EXTRAORDINARY SESSION OF THE
SECOND REGULAR SESSION

HOUSE BILL NO. 2

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOVIS.

5800H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 575.270, RSMo, and to enact in lieu thereof two new sections relating to the offense of tampering with a witness or victim, with penalty provisions and an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 575.270, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 491.016 and 575.270, to read as follows:

491.016. A statement made by a witness that is not otherwise admissible is admissible in evidence in a criminal proceeding in the courts of this state as substantive evidence to prove the truth of the matter asserted if the court finds, by a preponderance of the evidence in a hearing conducted outside the presence of the jury and before the case is submitted to the jury, that the defendant engaged in or acquiesced to wrongdoing with the purpose of preventing the witness from testifying in any proceeding and the witness fails to appear.

575.270. 1. A person commits the offense of tampering with a witness or victim if
(1) With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:

- (a) Threatens or causes harm to any person or property; or
- (b) Uses force, threats or deception; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 (c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness;
8 or

9 (d) Conveys any of the foregoing to another in furtherance of a conspiracy; or

10 (2) He or she purposely prevents or dissuades or attempts to prevent or dissuade any
11 person who has been a victim of any crime or a person who is acting on behalf of any such
12 victim from:

13 (a) Making any report of such victimization to any peace officer, state, local or federal
14 law enforcement officer, prosecuting agency, or judge;

15 (b) Causing a complaint, indictment or information to be sought and prosecuted or
16 assisting in the prosecution thereof;

17 (c) Arresting or causing or seeking the arrest of any person in connection with such
18 victimization.

19 2. The offense of tampering with a witness or victim is a class A misdemeanor, unless
20 the original charge is a **class B, C, D, or E** felony, in which case tampering with a witness or
21 victim is a class D felony. **If the original charge is a class A felony or an unclassified felony,**
22 **the offense of tampering with a witness or victim is a class C felony.** Persons convicted
23 under this section shall not be eligible for parole.

Section B. Because immediate action is necessary to further equip and enhance our
2 criminal justice system to fight violent crime in Missouri and protect our citizens and residents
3 due to the recent unprecedented wave of violent crime across our nation and state, section A of
4 this act is deemed necessary for the immediate preservation of the public health, welfare, peace,
5 and safety, and is hereby declared to be an emergency act within the meaning of the constitution,
6 and section A of this act shall be in full force and effect upon its passage and approval.

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