

SENATE BILL No. 306

By Committee on Judiciary

1-19

1 AN ACT concerning crimes, punishment and criminal procedure; relating  
2 to intimidation of a witness; amending K.S.A. 2011 Supp. 21-5909 and  
3 repealing the existing section.  
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 21-5909 is hereby amended to read as  
7 follows: 21-5909. (a) Intimidation of a witness or victim is preventing  
8 or dissuading, or attempting to prevent or dissuade, with an intent to vex,  
9 annoy, harm or injure in any way another person or, an intent to thwart or  
10 interfere in any manner with the orderly administration of justice or an  
11 intent to prevent the discovery of victimization ~~of any crime~~ by a person  
12 described in subsection (a)(2)(A):

13 (1) Any witness or victim from attending or giving testimony at any  
14 civil or criminal trial, proceeding or inquiry authorized by law; or

15 (2) any witness, victim or person acting on behalf of a victim from:  
16 (A) Making any report of the victimization of a victim to any law  
17 enforcement officer, prosecutor, probation officer, parole officer,  
18 correctional officer, community correctional services officer or judicial  
19 officer, *the secretary of the department of social and rehabilitation*  
20 *services or any agent or representative of the secretary; or any person*  
21 *required to make a report pursuant to K.S.A. 2011 Supp. 38-2223, and*  
22 *amendments thereto;*

23 (B) causing a complaint, indictment or information to be sought and  
24 prosecuted, or causing a violation of probation, parole or assignment to a  
25 community correctional services program to be reported and prosecuted,  
26 and assisting in its prosecution;

27 (C) causing a civil action to be filed and prosecuted and assisting in  
28 its prosecution; or

29 (D) arresting or causing or seeking the arrest of any person in  
30 connection with the victimization of a victim.

31 (b) Aggravated intimidation of a witness or victim is intimidation of a  
32 witness or victim, as defined in subsection (a), when the:

33 (1) Act is accompanied by an expressed or implied threat of force or  
34 violence against a witness, victim or other person or the property of any  
35 witness, victim or other person;  
36 (2) act is in furtherance of a conspiracy;