

# DRAFT 01152014

DELAWARE GENERAL ASSEMBLY

147th GENERAL ASSEMBLY

\_\_\_\_\_BILL No. \_\_\_\_\_

## AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATED TO WITNESS INTIMIDATION.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3532, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underlining as follows:

§ 3532 Act of intimidation; ~~class E felony~~ class D felony.

Except as provided in § 3533 of this title, every person who knowingly and with malice prevents or dissuades (or who attempts to prevent or dissuade) any witness or victim from attending or giving testimony at any trial, proceeding or inquiry authorized by law is committing an act of intimidation and is guilty of a ~~class E felony~~ class D felony. A person who knowingly and with malice retaliates against any victim or witness who has attended or given testimony at any trial proceeding or inquiry authorized by law by committing any crime as defined by the laws of this State against such victim or witness is committing an act of intimidation and is guilty of a ~~class E felony~~ class D felony. A person who knowingly and with malice attempts to prevent another person who has been the victim of a crime, or a witness to a crime (or any person acting on behalf of a victim or witness) from:

- (1) Making any report of such crime or victimization to any peace officer, law-enforcement officer, prosecuting agency, probation officer, parole officer, correctional officer or judicial officer;
- (2) Causing a complaint, indictment, information, probation or parole violation to be sought or prosecuted, or from assisting in the prosecution thereof; or
- (3) Arresting, causing or seeking the arrest of any person in connection with such crime or victimization;

Is guilty of a ~~class E felony~~ class D felony.

Section 2. Amend §3533, Title 11 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underlining as follows:

§ 3533. Aggravated act of intimidation; ~~class D felony~~ class B felony.

Every person doing any of the acts set forth in § 3532, of this title, knowingly and with malice under 1 or more of the following circumstances, shall be guilty of a ~~class D felony~~ class B felony if, in addition, such act:

- (1) Is accompanied by an express or implied threat of force or violence, upon a victim, a witness or any third person (or upon the property of a victim, witness or third person);
- (2) Is in furtherance of a conspiracy;
- (3) Is committed by any person who has been convicted of any violation of this subchapter, any predecessor law hereto, the statute of any other state or any federal statute which would be a violation of this subchapter if committed in this State; or
- (4) Committed, for pecuniary gain or for any other consideration, by any person acting upon the request of another person.

#### SYNOPSIS

Criminals who attempt to prevent victims or witnesses from cooperating with the investigation and prosecution of crimes pose a real and growing threat to public safety and the orderly administration of justice. This Act seeks to deter criminals and their associates from harassing and intimidating victims and witnesses by increasing the punishment imposed upon those convicted of the existing crimes of Act of Intimidation and Aggravated Act of Intimidation. The Act reclassifies Act of Intimidation as a Class D felony, and Aggravated Act of Intimidation as a Class B felony.