

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2655

By Committee on Judiciary

2-7

1 AN ACT concerning crimes and punishments; relating to interference with
2 judicial process; amending K.S.A. 2011 Supp. 21-5905 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 21-5905 is hereby amended to read as
7 follows: 21-5905. (a) Interference with the judicial process is:

8 (1) Communicating with any judicial officer in relation to any matter
9 which is or may be brought before such judge, magistrate, master or juror
10 with intent improperly to influence such officer;

11 (2) committing any of the following acts, with intent to influence,
12 impede or obstruct the finding, decision, ruling, order, judgment or decree
13 of such judicial officer or prosecutor on any matter then pending before the
14 officer or prosecutor:

15 (A) Communicating in any manner a threat of violence to any judicial
16 officer or any prosecutor;

17 (B) harassing a judicial officer or a prosecutor by repeated
18 vituperative communication; or

19 (C) picketing, parading or demonstrating near such officer's or
20 prosecutor's residence or place of abode;

21 (3) picketing, parading or demonstrating in or near a building housing
22 a judicial officer or a prosecutor with intent to impede or obstruct the
23 finding, decision, ruling, order, judgment or decree of such judicial officer
24 or prosecutor on any matter then pending before the officer or prosecutor;

25 (4) knowingly accepting or agreeing to accept anything of value as
26 consideration for a promise:

27 (A) Not to initiate or aid in the prosecution of a person who has
28 committed a crime; or

29 (B) to conceal or destroy evidence of a crime; or

30 ~~(5) knowingly altering, destroying, mutilating, concealing, covering~~
31 ~~up, falsifying or making a false entry in any record, document or tangible~~
32 ~~object with the intent to impede, obstruct or influence the investigation or~~
33 ~~proper administration of any matter within the jurisdiction of any state~~
34 ~~department or agency, or any case filed in state court or in relation to or~~
35 ~~contemplation of any such matter or case; or~~

36 (5) knowingly or intentionally in an official criminal proceeding

1 or investigation:

2 (A) **Inducing a witness or informant to withhold or unreasonably**
 3 **delay in producing any testimony, information, document or thing;**

4 (B) **withholding or unreasonably delaying in producing any**
 5 **testimony, information, document or thing after a court orders the**
 6 **production of such testimony, information, document or thing;**

7 (C) **altering, damaging, removing or destroying any record,**
 8 **document or thing, with the intent to prevent it from being produced**
 9 **or used as evidence; or**

10 (D) **making, presenting or using a false record, document or thing**
 11 **with the intent that the record, document or thing, material to such**
 12 **official criminal proceeding or investigation, appear in evidence to**
 13 **mislead a justice, judge, magistrate, master or law enforcement**
 14 **officer; or**

15 ~~(5)~~ (6) when performed by a person summoned or sworn as a juror in
 16 any case:

17 (A) Intentionally soliciting, accepting or agreeing to accept from
 18 another any benefit as consideration to wrongfully give a verdict for or
 19 against any party in any proceeding, civil or criminal;

20 (B) intentionally promising or agreeing to wrongfully give a verdict
 21 for or against any party in any proceeding, civil or criminal; or

22 (C) knowingly receiving any evidence or information from anyone in
 23 relation to any matter or cause for the trial of which such juror has been or
 24 will be sworn, without the authority of the court or officer before whom
 25 such juror has been summoned, and without immediately disclosing the
 26 same to such court or officer.

27 (b) Interference with the judicial process as defined in:

28 (1) Subsection (a)(1) is a severity level 9, nonperson felony;

29 (2) subsection (a)(2) and (a)(3) is a class A nonperson misdemeanor;

30 (3) subsection (a)(4) is a:

31 (A) Severity level 8, nonperson felony if the crime is a felony; or

32 (B) class A nonperson misdemeanor if the crime is a misdemeanor;

33 (4) *subsection (a)(5) is a:*

34 (A) *Severity level 8, nonperson felony if the matter or case involves a*
 35 *felony; or*

36 (B) *class A nonperson misdemeanor if the matter or case involves a*
 37 *misdemeanor;*

38 ~~(4)~~ (5) subsection ~~(a)(5)(A)~~ (a)(6)(A) is a severity level 7, nonperson
 39 felony; and

40 ~~(5)~~ (6) subsection ~~(a)(5)(B) or (a)(5)(C)~~ (a)(6)(B) or (a)(6)(C) is a
 41 severity level 9, nonperson felony.

42 (c) Nothing in this section shall limit or prevent the exercise by any
 43 court of this state of its power to punish for contempt.

1 Sec. 2. K.S.A. 2011 Supp. 21-5905 is hereby repealed.

2 Sec. 3. This act shall take effect and be in force from and after its
3 publication in the statute book.

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