

**BOARD BILL NO. 307 INTRODUCED BY ALDERMAN KENNETH ORTMANN,
ALDERWOMAN CHRISTINE INGRASSIA,
AND PRESIDENT LEWIS E. REED**

1 An Ordinance pertaining to tampering with a witness or victim; prohibiting conduct by any
2 individual which has the intention to or causes a witness or victim to fail to comply with or
3 assist a police investigation or legal proceeding, including a Court proceeding, an
4 Administrative hearing, or a Board hearing and all related investigations thereto within the
5 City of St. Louis; containing definitions, prohibitions, and penalties.

6 **WHEREAS**, permitting the act of tampering with a witness or victim is detrimental
7 to the safety, health, morals, and repose of inhabitants of the City of St. Louis.

8 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

9 **SECTION ONE. Definitions.**

10 For the purposes of this Ordinance:

- 11 (1) “Witness” means any natural person:
- 12 (a) Having knowledge of the existence or nonexistence of facts
13 relating to any crime; or
- 14 (b) Whose declaration under oath is received as evidence for any
15 purpose; or
- 16 (c) Who has reported any crime to any peace officer or prosecutor; or
- 17 (d) Who has been served with a subpoena issued under the authority of
18 any court or any administrative or legislative body.

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1 (2) “Victim” means any natural person against whom any crime is deemed to
2 have been perpetrated or attempted.

3 **SECTION TWO. Tampering with a Witness or Victim.**

4 A person commits the offense of tampering with a witness or victim if:

5 (1) With the purpose to induce a witness or a prospective witness to disobey a
6 subpoena or other legal process, absent himself or herself, avoid subpoena
7 or other legal process, withhold evidence, information, or documents, or
8 testify falsely, he or she:

9 (A) Threatens or causes harm to any person or property; or

10 (B) Uses force, threats or deception; or

11 (C) Offers, confers or agrees to confer any benefit, direct or
12 indirect, upon such witness; or

13 (D) Conveys any of the foregoing to another in furtherance of a
14 conspiracy; or

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

18 (A) Making any report of such victimization or crime to any peace
19 officer or dispatcher; state, local, or federal law enforcement

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1 officer; prosecuting agency; official or agency within the City
2 of St. Louis; or judge;

3 (B) Causing a complaint, summons, indictment, or information to
4 be sought, prosecuted, or acted upon, or assisting in the
5 prosecution thereof;

6 (C) Arresting or causing or seeking the arrest of any person, or
7 engaging or seeking the engagement of an agency of the City
8 of St. Louis, in connection with such victimization.

9 **SECTION THREE. Summons and Penalty.**

10 Any person who engages in conduct which tampers with a witness or victim based
11 upon the above language within the City of St. Louis may be issued a summons for
12 “tampering with a witness or victim”. A defendant who is found guilty of or pleads guilty to
13 “Tampering with a witness or victim” shall be subject to a fine of not less than \$100.00, and
14 not more than \$500.00, or any other penalty available by law including up to 90 days of
15 incarceration for each violation. Each occurrence of said behavior regardless of proximity in
16 time to any other said violation shall be deemed a separate and distinct offense for which a
17 summons may be issued.

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1 **SECTION FOUR. Severability.**

2 The Sections of this Ordinance shall be severable. In the event any Section of this
3 Ordinance is found by a Court of competent jurisdiction to be unconstitutional, the remaining
4 Sections of this Ordinance are valid unless the Court finds the valid Sections of this
5 Ordinance so essentially and inseparably connected with, and so dependent upon the void
6 Section, that it cannot presume that the legislature would have enacted the valid Sections
7 without the void ones; or unless the Court finds that the valid Sections, standing alone, are
8 incomplete and are incapable of being executed in accordance with the legislative intent.

9 **SECTION FIVE. Emergency Clause.**

10 This being an ordinance for the preservation of public peace, health, and safety, it is
11 hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of
12 Article IV of the Charter of St. Louis and therefore shall become effective immediately upon
13 its passage and approval by the Mayor.