

1 **BOARD BILL NO. 310 INTRODUCED BY ALDERMAN KENNETH ORTMANN**

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

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

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

10 **SECTION ONE. Definitions.**

11 For the purposes of this Ordinance:

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

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

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

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

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

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

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

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

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

15 (A) Making any report of such victimization or crime to any peace
16 officer or dispatcher; state, local, or federal law enforcement
17 officer; prosecuting agency; official or agency within the City
18 of St. Louis; or judge;

19 (B) Causing a complaint, summons, indictment, or information to
20 be sought, prosecuted, or acted upon, or assisting in the
21 prosecution thereof;

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

4 **SECTION THREE. Summons and Penalty.**

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

13 **SECTION FOUR. Severability.**

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

21 **SECTION FIVE. Emergency Clause.**

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