

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1454

5 By: Representative A. Collins  
6 By: Senator Bond  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING WITNESS, INFORMANT, AND JURY  
10 TAMPERING OR INTIMIDATION; CONCERNING EVIDENCE  
11 TAMPERING; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

15 CONCERNING WITNESS, INFORMANT, AND JURY  
16 TAMPERING OR INTIMIDATION; AND CONCERNING  
17 EVIDENCE TAMPERING.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 5-53-101, concerning definitions used in  
23 offenses relating to judicial and other official proceedings, is amended to  
24 add an additional subdivision to read as follows:

25 (8) "Informant" means a person who provides information to a law  
26 enforcement agency in an effort to assist the law enforcement agency in  
27 solving or investigating an offense or apprehending a person suspected of an  
28 offense.  
29

30 SECTION 2. Arkansas Code § 5-53-109 is amended to read as follows:  
31 5-53-109. Intimidating a witness.

32 (a) A person commits the offense of intimidating a witness if he or  
33 she knowingly threatens a witness or a person he or she believes may be  
34 called as a witness with the purpose ~~of~~ to:

- 35 (1) ~~Influencing~~ Influence the testimony of that person;  
36 (2) ~~Inducing~~ Induce that person to avoid legal process summoning



1 that person to testify; or

2 (3) ~~Inducing~~ Induce that person to absent himself or herself  
3 from an official proceeding to which that person has been legally summoned.

4 (b)(1) The penalty for intimidating a witness is one (1) felony  
5 classification lower than the offense for which the witness or person  
6 believed to be called as a witness is to be a witness if the offense is a  
7 Class B felony offense or higher felony offense of:

8 (A) Homicide, § 5-10-101 et seq.;

9 (B) An attempted homicide; or

10 (C) Rape, § 5-14-103.

11 (2) ~~Otherwise, Intimidating~~ intimidating a witness is a Class C  
12 felony.

13  
14 SECTION 3. Arkansas Code § 5-53-110 is amended to read as follows:  
15 5-53-110. Tampering.

16 (a) A person commits the offense of tampering if, believing that an  
17 official proceeding or investigation is pending or about to be instituted, he  
18 or she knowingly induces or attempts to induce another person to:

19 (1) Testify or inform falsely;

20 (2) Withhold ~~any~~ unprivileged testimony, information, document,  
21 or a thing regardless of the admissibility under the rules of evidence of the  
22 testimony, information, document, or thing and notwithstanding the relevance  
23 or probative value of the testimony, information, document, or thing to an  
24 investigation;

25 (3) Elude legal process summoning that person to testify or  
26 supply evidence, regardless of whether the legal process was lawfully issued;  
27 or

28 (4) Absent himself or herself from any proceeding or  
29 investigation to which that person has been summoned.

30 (b)(1) Tampering is a Class C felony if the person impairs or  
31 obstructs the investigation of a felony offense.

32 (2) ~~Otherwise, Tampering~~ tampering is a Class A misdemeanor.

33  
34 SECTION 4. Arkansas Code § 5-53-111 is amended to read as follows:  
35 5-53-111. Tampering with physical evidence.

36 (a) A person commits the offense of tampering with physical evidence

1 if he or she knowingly alters, destroys, suppresses, removes, or conceals any  
 2 record, document, or thing with the purpose of impairing its verity,  
 3 legibility, or availability in any official proceeding or investigation.

4 (b)(1) Tampering with physical evidence is a Class ~~D~~ C felony if the  
 5 person impairs or obstructs the prosecution or defense of a felony.

6 (2) Otherwise, tampering with physical evidence is a Class ~~B~~ A  
 7 misdemeanor.

8  
 9 SECTION 5. Arkansas Code § 5-53-112 is amended to read as follows:

10 5-53-112. Retaliation against a witness, informant, or juror.

11 (a) A person commits the offense of retaliation against a witness,  
 12 informant, or juror if he or she knowingly harms or threatens to harm another  
 13 person by any unlawful act in retaliation for anything lawfully done in the  
 14 other person's capacity ~~of~~ as a witness, informant, or juror.

15 (b) Retaliation against a witness, informant, or juror is a Class ~~D~~ C  
 16 felony.

17 ~~(c) "Informant" means a person who provides information to any law~~  
 18 ~~enforcement agency in an effort to assist the law enforcement agency in~~  
 19 ~~solving a crime or apprehending a person suspected of a criminal offense.~~

20  
 21 SECTION 6. Arkansas Code § 5-53-115 is amended to read as follows:

22 5-53-115. Jury tampering.

23 (a) A person commits the offense of jury tampering if he or she  
 24 knowingly attempts to directly or indirectly ~~to~~ communicate with a juror,  
 25 other than as a part of the official proceedings in which the juror is  
 26 participating, with the purpose of influencing the juror's vote, decision, or  
 27 other action as a juror.

28 (b) Juror tampering is a Class ~~D~~ C felony.