



## Legislation Text

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**File #:** Res 1841-2013, **Version:** \*

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### Res. No. 1841

Resolution calling on the United States Congress to pass and the President to sign The State Witness Protection Act of 2013.

By Council Members Vallone Jr., Koo, Mendez and Rose

Whereas, There are many ways people seek to interfere with witnesses in court proceedings in an effort to influence the outcome of those proceedings; and

Whereas, For example, witnesses or others close to them are physically injured or threatened with physical injury in an attempt to dissuade them from testifying in court; and

Whereas, If the penalties for witness intimidation and/or other types of witness tampering in state or local judicial proceedings were made to be a federal offense, we would likely experience a reduction in the frequency of individuals using such tactics to discourage witnesses from coming forward, and ultimately, witnesses would feel more assured and justice would benefit; and

Whereas, Failure to establish federal penalties for interfering with witnesses, allows defendants to compromise the judicial process by successfully threatening witnesses into fleeing, recanting, or refusing to testify; and

Whereas, In 2012, there were a series of violent crimes in the Buffalo region of New York that left law enforcement frustrated by the increasing reluctance of witnesses to come forward with information relating to crimes; and

Whereas, On May 8, 2013, the United States (U.S.) Senate introduced S.901, also known as The State Witness Protection Act of 2013; and

Whereas, The State Witness Protection Act of 2013 seeks to protect witnesses by amending the federal criminal code to impose criminal penalties on any individual who kills or attempts to kill a witness in a state or local judicial proceeding or uses physical violence against a witness; and

Whereas, Additionally, federal criminal penalties would be imposed on individuals found guilty of (i) influencing, delaying, or preventing the testimony or attendance of such witness at a state or local judicial proceeding; (ii) preventing the production of a record or document in a state or local judicial proceeding; (iii) causing or inducing any person to withhold testimony or evidence, destroying evidence, evading the legal process, or be absent from a state or local judicial proceeding; (iv) hindering, delaying, or preventing any person from providing information to a state or local law enforcement officer or judge; or (v) retaliating against any person for attending a state or local judicial proceeding or providing information to a law enforcement officer; and

Whereas, The Witness Protection Act of 2013 is supported by U.S. Senator Charles E. Schumer from New York, who calls for swift passage of the bill; and

Whereas, The U.S. Senate should pass The State Witness Protection Act of 2013, the U.S. House of Representatives should introduce and pass a companion bill, and the President should sign The State Witness Protection Act of 2013 in order to increase public safety and promote participation in America's judicial process; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to reintroduce and pass, and the President to sign a State Witness Protection Act.

WJH  
LS 4366  
5/6/13