

## HOUSE BILL No. 2448

By Committee on Judiciary

1-16

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1 AN ACT concerning crimes and punishment; relating to interference with  
2 judicial process; amending K.S.A. 2013 Supp. 21-5905 and repealing  
3 the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2013 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 to improperly 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;

30 (5) knowingly or intentionally in any criminal proceeding or  
31 investigation:

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

34 (B) withholding or unreasonably delaying in producing any  
35 testimony, information, document or thing after a court orders the  
36 production of such testimony, information, document or thing;

1 (C) altering, damaging, removing or destroying any record, document  
2 or thing, with the intent to prevent it from being produced or used as  
3 evidence; or

4 (D) making, presenting or using a false record, document or thing  
5 with the intent that the record, document or thing, material to such  
6 criminal proceeding or investigation, appear in evidence to mislead a  
7 justice, judge, magistrate, master or law enforcement officer; ~~or~~

8 (6) when performed by a person summoned or sworn as a juror in any  
9 case:

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

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

15 (C) knowingly receiving any evidence or information from anyone in  
16 relation to any matter or cause for the trial of which such juror has been or  
17 will be sworn, without the authority of the court or officer before whom  
18 such juror has been summoned, and without immediately disclosing the  
19 same to such court or officer; *or*

20 (7) *knowingly making available by any means personal information*  
21 *about a judge or the judge's immediate family member; if the*  
22 *dissemination of the personal information poses an imminent and serious*  
23 *threat to the judge's safety or the safety of such judge's immediate family*  
24 *member; and the person making the information available knows or*  
25 *reasonably should know of the imminent and serious threat.*

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

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

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

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

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

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

32 (4) subsection (a)(5) is a:

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

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

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

38 (6) subsection (a)(6)(B) or (a)(6)(C) is a severity level 9, nonperson  
39 felony; *and*

40 (7) *subsection (a)(7) is a:*

41 (A) *Class A person misdemeanor, except as provided in subsection (b)*  
42 *(7)(B); and*

43 (B) *severity level 9, person felony upon a second or subsequent*

1 conviction.

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

4 (d) *As used in this section:*

5 (1) *"Immediate family member" means a judge's spouse, child, parent*  
6 *or any other blood relative who lives in the same residence as such judge.*

7 (2) *"Judge" means any duly elected or appointed justice of the*  
8 *supreme court, judge of the court of appeals, judge of any district court of*  
9 *Kansas, district magistrate judge or municipal court judge.*

10 (3) *"Personal information" means a judge's home address, home*  
11 *telephone number, personal mobile telephone number, pager number,*  
12 *personal e-mail address, personal photograph, immediate family member*  
13 *photograph, photograph of the judge's home, photograph of the judge's*  
14 *motor vehicle, any immediate family member's motor vehicle, any*  
15 *immediate family member's place of employment, any immediate family*  
16 *member's child care or day care facility or any immediate family member's*  
17 *public or private school that offers instruction in any or all of the grades*  
18 *kindergarten through 12.*

19 Sec. 2. K.S.A. 2013 Supp. 21-5905 is hereby repealed.

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