



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy Proposes Stronger Protections for Witnesses

TIMOTHY M. KENNEDY January 20, 2014

| ISSUE: **CRIME, VICTIMS, CRIMINAL**

In recent Erie County case, judge expressed need for stronger laws to prevent intimidation and tampering of witnesses.

Kennedy: Stronger protections for witnesses will ensure New Yorkers can come forward and speak freely without fear of retribution or retaliation.

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, has proposed new legislation that will enact stronger protections for witnesses. Kennedy says witnesses' ability and willingness to come forward and speak to authorities is critical to the effective prosecution of criminal cases. Kennedy's new legislation will implement harsher penalties for those who threaten the lives of potential witnesses as an attempt to stop them from testifying in court or sharing information with authorities.

Kennedy's bill comes in response to a recent Erie County case where a Buffalo man was convicted of intimidating and tampering with a witness after instructing his girlfriend to post witnesses' grand jury testimony on the internet in hopes of preventing them from testifying in court. After handing down the maximum sentence of two to four years in prison, Judge Sheila A. DiTullio encouraged the State Legislature to revisit the state's laws against witness tampering and intimidation to ensure witnesses have proper protections against those who seek to threaten them.

“Stronger protections for witnesses will ensure New Yorkers can come forward and speak freely without fear of retribution or retaliation,” said Senator Kennedy. “Our legislation will encourage witnesses to share information with law enforcement so that crimes can be solved quickly, prosecuted accurately and prevented in the future. By strengthening the law against witness intimidation, we will assure all potential witnesses that New York State is serious about protecting their safety, and we will further prevent criminal activity and make our streets safer.

“This is a long-overdue measure that will help protect the integrity of the judicial system and protect the lives and safety of those witnesses who bravely step forward to ensure justice is served,” Kennedy added.

Under Kennedy’s legislation, anyone who threatens to harm, or takes an action to encourage others to harm, a potential witness or their family as a means to prevent them from testifying or sharing information with authorities would be charged with second-degree intimidating a victim or witness. Intimidating a victim or witness in the second degree is a class D felony, which carries a maximum sentence of up to seven years in prison.

Kennedy’s bill similarly reforms the state’s statute on witness tampering to ensure those who seek to stop people from testifying by threatening them or their families are charged with second-degree tampering of a witness, another class D felony carrying a maximum sentence of seven years in prison.

Had Kennedy’s bill been in place for this recent Erie County case, convictions of second-degree witness tampering and intimidation could have been imposed, and the judge would have been able to hand down a sentence of up to seven years in prison.

Senator Kennedy is also pursuing new efforts to ensure communities have the resources they need to support witness protection programs. He believes strong, effective witness protection programs help facilitate fair prosecutions, accurate convictions and swift justice, and he will be pushing for new resources to be directed to witness protection across the state.

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Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, city of Lackawanna and most of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.