

(Published in the Topeka Metro News October 29, 2012)

ORDINANCE NO. 19776

AN ORDINANCE introduced by City Manager Jim Colson, creating City of Topeka Code Section 9.45.020 concerning intimidation of a witness or victim.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. That The Code of the City of Topeka, Kansas, is hereby amended by adding a section, to be numbered 9.45.020, which said section reads as follows:

Intimidation of a witness or victim.

(a) Definitions. In this section, the following definitions shall apply:

"Civil injury or loss" means any injury or loss for which a civil remedy is provided under the laws of this state, any other state or the United States;

"Victim" means any individual (1) against whom any crime under the laws of this state or a misdemeanor ordinance violation, has been or is attempted to be committed; or (2) who suffers a civil injury or loss.

"Witness" means any individual (1) who has knowledge of the existence or nonexistence of facts relating to any misdemeanor ordinance violation, civil or criminal trial, proceeding or inquiry authorized by law; (2) whose declaration under oath is received or has been received as evidence for any purpose; (3) who has reported any misdemeanor ordinance violation, crime or any civil injury or loss to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer; (4) who has been served with a subpoena issued under the authority of the municipal court or any court or agency of this state, any other state or the

29 United States; or (5) who is believed by the offender to be an individual described
30 in this subsection.

31 (b) Intimidation of a witness or victim is preventing or dissuading, or
32 attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any
33 way another person or an intent to thwart or interfere in any manner with the orderly
34 administration of justice:

35 (1) Any witness or victim from attending or giving testimony in
36 municipal court or at any civil or criminal trial, proceeding or inquiry
37 authorized by law; or

38 (2) Any witness, victim or person acting on behalf of a victim from:

39 (A) Making any report of the victimization of a victim to any law
40 enforcement officer, prosecutor, probation officer, parole officer,
41 correctional officer or judicial officer;

42 (B) Causing a complaint, indictment or information to be sought
43 and prosecuted, or causing a violation of probation or parole to be
44 reported and prosecuted, and assisting in its prosecution;

45 (C) Causing a civil action to be filed and prosecuted and
46 assisting in its prosecution; or

47 (D) Arresting or causing or seeking the arrest of any person in
48 connection with the victimization of a victim.

49 (c) Intimidation of a witness or victim is a class B person misdemeanor.

50 Section 2. This ordinance shall take effect and be in force from and after its
51 passage, approval and publication in the official City newspaper.

Section 3. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 4. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council on October 23, 2012.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk