

ORDINANCE NO. 46-253

AN ORDINANCE CREATING SECTION 5.15.010 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO THE CREATION OF THE CRIME OF INTIMIDATION OF A VICTIM OR WITNESS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

Section 1. 5.15.010 of the Code of the City of Wichita, shall read as follows:

- (a) Intimidation of a witness or victim is knowingly and maliciously preventing or dissuading, or attempting to prevent or dissuade:
 - (1) Any witness or victim from attending or giving testimony at any criminal trial, proceeding or inquiry authorized by law; or
 - (2) Any witness, victim or person acting on behalf of a victim from:
 - (A) Making any report of the victimization of a victim to any law enforcement officer, prosecutor, probation officer, correctional officer, judicial officer, or emergency communications dispatcher;
 - (B) Causing a complaint to be sought and prosecuted, or causing a violation of probation or parole to be reported and prosecuted, and assisting in its prosecution;
 - (C) Arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.
- (b) The following definitional sections shall apply to this section:
 - (1) "malice" means an intent to vex, annoy, harm or injure in any way another person or intent to thwart or interfere in any manner with the orderly administration of justice.
 - (2) "victim" means any individual against whom any crime under the laws of this state, this municipality, or any municipality in this state, is being, has been or is attempted to be committed.

(3) "Witness" means any individual:

- (A) Who has knowledge of the existence or nonexistence of facts relating to any criminal trial, proceeding or inquiry authorized by law;
- (B) Whose declaration under oath is received or has been received as evidence for any purpose;
- (C) Who has reported any crime to any law enforcement officer, prosecutor, probation officer, parole officer, correctional officer, community correctional services officer or judicial officer, or any emergency communications dispatcher;
- (D) Who has been served with a subpoena issued under the authority of a municipal court or any court or agency of this state; or
- (E) Who would be believed by any reasonable person to be an individual described in paragraphs (A), (B), (C), or (D).

(c) Intimidation of a victim or witness is a misdemeanor, and such sentence shall include a term of imprisonment of not more than six months and/or a \$1,000.00 fine.

Section 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon its passage and publication once in the official city paper.

PASSED by the governing body of the City of Wichita, Kansas, this
September 28, 2004.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary Rebenstorf
Director of Law