

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1119

H.P. 807

House of Representatives, April 11, 1989

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

Cosponsored by Senator BALDACCI of Penobscot, Representative HEESCHEN of Wilton and Representative LARRIVEE of Gorham.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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An Act to Increase the Penalties for Tampering With a Juror or a Victim.

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1       **Be it enacted by the People of the State of Maine as follows:**

3               **17-A MRSA §454**, as amended by PL 1983, c. 352, §1, is  
further amended to read:

5       **§454. Tampering with a witness, informant, victim or juror**

7               1. A person is guilty of tampering with a witness,  
9 informant ~~or~~, victim or juror if, believing that an official  
proceeding, as defined in section 451, subsection 5, paragraph A,  
11 or an official criminal investigation is pending or will be  
instituted that person:

13               A. ~~He--induces~~ Induces or otherwise causes, or attempts to  
15 induce or cause, a witness, informant or victim:

17                       (1) To testify or inform falsely; or

19                       (2) To withhold any testimony, information or evidence;

21               B. ~~He--uses~~ Uses force, violence or intimidation, or he  
promises, offers or gives any pecuniary benefit with the  
23 intent to induce a witness, informant or victim:

25                       (1) To withhold any testimony, information or evidence;

27                       (2) To ~~absent-himself-from~~ refrain from attending any  
criminal proceeding or criminal investigation; or

29                       (3) To ~~absent-himself-from~~ refrain from attending any  
31 other proceeding or investigation to which he the  
witness, informant or victim has been summoned by legal  
33 process; or

35               C. ~~He--solicits~~ Solicits, accepts or agrees to accept any  
pecuniary benefit ~~in-consideration-of-his~~ for doing any of  
37 the things specified in paragraph A, subparagraph (1), or in  
paragraph B, subparagraph (1), (2) or (3).

39               1-A. A person is guilty of tampering with a juror, if that  
41 person contacts, by any means, a person who is a juror or any  
43 other person the actor believes is in a position to influence a  
juror and the actor does so with the intention of influencing the  
juror in the performance of the juror's duty.

45               2. Tampering with a witness or informant is a Class C  
47 crime. Tampering with a victim or juror is a Class B crime.

49               ~~3.--"Victim"--means-a-person-who-suffers-bodily-injury,-death~~  
~~or-economic-loss-as-a-result-of-a-crime-or-the-good-faith-effort~~  
51 ~~of-any-person-to-prevent-a-crime.~~

1        4. Notwithstanding subsection 2, when the most serious  
3 charge or charges against the actor include murder or a Class A  
crime, tampering with the victim of that crime or a juror  
5 involved in the criminal proceedings is a Class A crime.

7                                    **STATEMENT OF FACT**

9  
11        Jury tampering is presently governed by the Maine Revised  
13 Statutes, Title 17-A, section 751, and the penalty is a Class D  
crime. This bill describes jury tampering and places it in the  
same section as tampering with a witness, informant or victim.

15        This bill also makes the offense of jury tampering in a  
17 criminal case or tampering with the victim of a crime either a  
Class B or a Class A crime, depending on the most serious crime  
19 charged. The risks of intimidating, bribing or influencing a  
victim or a juror should be commensurate with the perceived  
21 benefits of tampering. When multiple counts are charged,  
tampering with the victim of any of those counts is a Class A  
23 crime, if any of the charged counts is more serious than a Class  
B crime.

25        Finally, this bill repeals the definition of "victim."  
27 Title 17-A, section 454, subsection 3, defines "victim" for  
purposes of restitution. The victim of the crime for purposes of  
29 this bill is the person named in the charging instrument as the  
object of the criminal conduct or a person who suffered the  
consequences or result of the prohibited acts.  
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