

Committee on Criminal Justice

CS/HB 1049 — Tampering With, Harassing, or Retaliating Against Court Officials

by Criminal Justice Subcommittee and Rep. Persons-Mulicka and others (CS/CS/SB 1838 by Fiscal Policy Committee; Criminal Justice Committee; and Senator Martin)

The bill amends the first degree misdemeanor crime relating to threats and harassment to add general magistrates, special magistrates, child support enforcement hearing officers, and administrative assistants, to the list of specified persons that a person may not knowingly and willfully:

- Threaten with death or serious bodily harm; or
- Harass with intent to intimidate or coerce the person to perform or refrain from performing his or her lawful duty.

The bill amends the crime of tampering with jurors to instead provide for tampering with or harassing a court official. A person who knowingly commits any of the following acts with the intent to cause or induce any court official to obstruct the administration of justice or affect the outcome of an official investigation or official proceeding commits the crime of tampering with a court official:

- Uses intimidation or physical force;
- Threatens any person or attempts to do so;
- Engages in misleading conduct toward any person; or
- Offers pecuniary benefit or gain to any person.

A person who commits the crime of tampering with a court official commits:

- A third degree felony, if the offense level of the affected official investigation or official proceeding is indeterminable or involves the investigation or prosecution of a misdemeanor or noncriminal matter pending in county court.
- A second degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a third degree felony or a noncriminal matter pending in circuit court.
- A first degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- A first degree felony, punishable by a term of years not exceeding life, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony or a first degree felony punishable by a term of years not exceeding life.
- A life felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a life or capital felony.

A person who intentionally harasses a court official and thereby hinders, delays, prevents, or dissuades, or attempts to hinder, delay, prevent, or dissuade a court official from performing any of the following acts commits the crime of harassing a court official:

- Attending an official proceeding;

- Rendering a fair verdict based solely upon the evidence produced at an official proceeding and the law; or
- Following the rules of juror behavior and deliberation as set forth by the judge.

A person who commits the crime of harassing a court official commits:

- A first degree misdemeanor if the official investigation or official proceeding affected involves the investigation or prosecution of a misdemeanor or noncriminal matter pending in county court.
- A third degree felony, if the offense level of the affected official investigation or official proceeding is indeterminable or involves the investigation or prosecution of a felony of the third degree or any noncriminal matter pending in circuit court.
- A second degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a second degree felony.
- A first degree felony, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony.
- A first degree felony punishable by a term of years not exceeding life, if the official investigation or official proceeding affected involves the investigation or prosecution of a first degree felony punishable by a term of years not exceeding life or a prosecution of a life or capital felony.

The bill creates the crime of retaliating against a court official. A person who, with the intent to retaliate against a court official for his or her participation in an official investigation or official proceeding, commits any of the following acts, commits a third degree felony:

- Knowingly engages in any conduct that threatens to cause bodily injury to another person; or
- Damages the tangible property of another person or threatens to do so.

If the crime results in bodily injury, the person commits a second degree felony.

If approved by the Governor, or allowed to become law without the Governor's signature, these provisions take effect October 1, 2025.

Vote: Senate 36-0; House 113-0