

**ORDINANCE NUMBER 18-10975**

**AN ORDINANCE AMENDING CHAPTER 25, ARTICLE XII, OF THE SALINA CODE BY ADOPTING SECTION 25-111, WITNESS OR VICTIM INTIMIDATION; DEFINITIONS; AND SECTION 25-112, INTIMIDATION OF A WITNESS OR VICTIM .**

**BE IT ORDAINED** by the Governing Body of the City of Salina, Kansas:

**Section 1.** Chapter 25, Article XII, of the Salina Code is amended by adding Sections 25-111 and Section 25-112, to read as follows:

**ARTICLE XII. OFFENSES AFFECTING GOVERNMENTAL FUNCTIONS.**

**Sec. 25-111. Witness or Victim Intimidation; Definitions.** As used in Section 25 -112, the following definitions shall apply:

- (a) "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;
- (b) "victim" means any individual:
  - 1) Against whom any crime under the laws of this state, any other state or the United States is being, has been or is attempted to be committed; or
  - 2) Who suffers a civil injury or loss; and
- (c) "witness" means any individual:
  - 1) Who has knowledge of the existence or nonexistence of facts relating to any 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 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 a municipal court or any court or agency of this state, any other state or the United States; or
  - 5) who is believed by the offender to be an individual described in this subsection.

**Sec. 25-112. Intimidation of a Witness or Victim.**

- (a) Intimidation of a witness or victim is preventing or dissuading, or attempting to prevent or dissuade, with an intent to vex, annoy, harm or injure in any way another person or an intent to thwart or interfere in any manner with the orderly administration of justice:
  - 1) Any witness or victim from attending or giving testimony at any civil or 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, parole officer, correctional officer, community

correctional services officer or judicial officer, the secretary of the department of children and family services or any agent or representative of the secretary, or any person required to make a report pursuant to K.S.A. 2017 Supp. 38-2223, and amendments thereto;

- (B) Causing a complaint, indictment or information to be sought and prosecuted, or causing a violation of probation, parole or assignment to a community correctional services program to be reported and prosecuted, and assisting in its prosecution;
- (C) causing a civil action to be filed and prosecuted and assisting in its prosecution; or
- (D) arresting or causing or seeking the arrest of any person in connection with the victimization of a victim.

(b) Intimidation of a witness or victim is a Class B violation.

**Section 2.** This ordinance shall be in full force and effect from and after its adoption and publication by the following summary once in the official city newspaper.

Ordinance No. 18-10975 Summary

On October 1, 2018, the City of Salina, Kansas, passed Ordinance No. 18-10975. The ordinance amends Chapter 25, Article VII of the Salina Code by adopting 25-111 and 25-112. A complete copy of the ordinance is available at [www.salina-ks.gov](http://www.salina-ks.gov) or in the office of the city clerk, 300 W. Ash Street, free of charge. This summary is certified by the City Attorney.

Introduced: October 1, 2018

Passed: October 1, 2018

Karl F. Ryan, Mayor

[SEAL]

ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this \_\_\_\_ October, 2018.

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Greg Bengston, City Attorney