



Search

Justia > US Law > US Codes and Statutes > Georgia Code > 2010 Georgia Code > TITLE 16 - CRIMES AND OFFENSES > CHAPTER 10 - OFFENSES AGAINST PUBLIC ADMINISTRATION > ARTICLE 5 - OFFENSES RELATED TO JUDICIAL AND OTHER PROCEEDINGS > § 16-10-93 - Influencing witnesses

NEW - Receive Justia's FREE Daily Newsletters of Opinion Summaries for the US Supreme Court, all US Federal Appellate Courts & the 50 US State Supreme Courts and Weekly Practice Area Opinion Summaries Newsletters. **Subscribe Now**

2010 Georgia Code
TITLE 16 - CRIMES AND OFFENSES
CHAPTER 10 - OFFENSES AGAINST PUBLIC ADMINISTRATION
ARTICLE 5 - OFFENSES RELATED TO JUDICIAL AND OTHER PROCEEDINGS
§ 16-10-93 - Influencing witnesses

Share | Like

O.C.G.A. 16-10-93 (2010)
16-10-93. Influencing witnesses

(a) A person who, with intent to deter a witness from testifying freely, fully, and truthfully to any matter pending in any court, in any administrative proceeding, or before a grand jury, communicates, directly or indirectly, to such witness any threat of injury or damage to the person, property, or employment of the witness or to the person, property, or employment of any relative or associate of the witness or who offers or delivers any benefit, reward, or consideration to such witness or to a relative or associate of the witness shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(b)(1) It shall be unlawful for any person knowingly to use intimidation, physical force, or threats; to persuade another person by means of corruption or to attempt to do so; or to engage in misleading conduct toward another person with intent to:

(A) Influence, delay, or prevent the testimony of any person in an official proceeding;

(B) Cause or induce any person to:

(i) Withhold testimony or a record, document, or other object from an official proceeding;

(ii) Alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;

(iii) Evade legal process summoning that person to appear as a witness or to produce a record, document, or other object in an official proceeding; or

(iv) Be absent from an official proceeding to which such person has been summoned by legal process; or

(C) Hinder, delay, or prevent the communication to a law enforcement officer, prosecuting attorney, or judge of this state of information relating to the commission or possible commission of a criminal offense or a violation of conditions of probation, parole, or release pending judicial proceedings.

(2) Any person convicted of a violation of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than two nor more than ten years or by a fine of not less than \$10,000.00 nor more than \$20,000.00, or both.

(3)(A) For the purposes of this Code section, the term "official proceeding" means any hearing or trial conducted by a court of this state or its political subdivisions, a grand jury, or an agency of the executive, legislative, or judicial branches of government of this state or its political subdivisions or authorities.

(B) An official proceeding need not be pending or about to be instituted at the time of any offense defined in this subsection.

(C) The testimony, record, document, or other object which is prevented or impeded or attempted to be prevented or impeded in an official proceeding in violation of this Code section need not be admissible in evidence or free of a claim of privilege.

(D) In a prosecution for an offense under this Code section, no state of mind need be proved with respect to the circumstance:

(i) That the official proceeding before a judge, court, magistrate, grand jury, or government agency is before a judge or court of this state, a magistrate, a grand jury, or an agency of state or local government; or

(ii) That the judge is a judge of this state or its political subdivisions or that the law enforcement officer is an officer or employee of the State of Georgia or a political subdivision or authority of the state or a person authorized to act for or on behalf of the State of Georgia or a political subdivision or authority of the state.

(E) A prosecution under this Code section may be brought in the county in which the official proceeding, whether or not pending or about to be instituted, was intended to be affected or in the county in which the conduct constituting the alleged offense occurred.

(c) Any crime committed in violation of subsection (a) or (b) of this Code section shall be considered a separate offense.

Disclaimer: These codes may not be the most recent version. Georgia may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained on this site or the information linked to on the state site. Please check official sources.

Like Nina Gonzales, Yolanda St Juste and 62,007 others like this.

Daily Opinion Summaries

Subscribe to Justia's FREE Daily Newsletter Opinion Summaries

Subscribe Now

Today on Verdict

Can Public School Students Constitutionally Be Punished for Their Off-Campus Comments on Social-Networking Sites or Blogs?

Justia columnist and attorney Julie Hilden discusses a circuit court split as to whether a school may punish students for speech about the school even though such speech occurred entirely outside school hours and premises.



by **Julie Hilden**

Ask a Lawyer

Question:

Please Ask Your Question Here. e.g., Do I need a Bankruptcy Lawyer?



About Legal Answers

Connect with Justia



Follow @Justiacom on Twitter

Ex-con Ceglia claims FB planted Photoshopped contract on his computer; says he seeks new counsel http://j.st/542 Case http://j.st/59P



Justia on Facebook

Like

62,009 people like Justia.



Sherry



Jeff



Cary-Andrew



Bly



Kevin

Facebook social plugin

Find a Lawyer

Legal Issue or Lawyer Name

Marietta, GA



Lawyers near Marietta, Georgia

Stephanie K. Thompson

Animal / Dog Law, Car Accidents, Elder L
Atlanta, GA