

Senate Study Bill 3014 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

1 An Act relating to tampering with witnesses, jurors, or
2 reporting parties, and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 720.4, Code 2024, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **720.4 Tampering with witnesses, jurors, or reporting parties.**

4 1. As used in this section:

5 a. "*Juror*" means the same as defined in section 607A.3,
6 subsection 5.

7 b. "*Reporting party*" means a person who does either of the
8 following:

9 (1) Reports or attempts to report a public offense to
10 any fire department, law enforcement agency, emergency
11 communications center, or other public safety entity.

12 (2) Assists or attempts to assist a law enforcement agency
13 or a prosecuting agency in any criminal investigation or
14 judicial proceeding.

15 c. "*Tampering*" includes any of the following acts committed
16 against a witness, juror, or reporting party:

17 (1) Bribery or an attempt to bribe.

18 (2) Threats.

19 (3) Forcible or fraudulent detaining or restraining.

20 (4) Harassment as described in section 708.7, subsection 1.

21 (5) Assault as described in section 708.1, subsection 2.

22 (6) Any other public offense.

23 d. "*Witness*" means a person who is summoned to testify in
24 any judicial proceeding, arbitration, or legislative hearing,
25 or who is listed in the minutes of evidence as provided in rule
26 of criminal procedure 2.4 or 2.5.

27 2. a. A person who, with the intent to improperly influence
28 the testimony of an individual that the person believes is or
29 may be a witness, prevents or attempts to prevent an individual
30 from testifying, encourages an individual to disobey or avoid a
31 subpoena or other legal process, encourages an individual to
32 withhold evidence, information, or documents, or retaliates
33 against an individual for any lawful act tampers with a
34 witness.

35 b. A person who, with the intent to improperly influence

1 the decision of an individual that the person believes is or
2 may be a juror, prevents or attempts to prevent an individual
3 from serving in a judicial proceeding or retaliates against an
4 individual for any lawful act tampers with a juror.

5 c. A person who, with the intent to improperly influence
6 the statements of an individual that the person believes is
7 or may be a reporting party, prevents or attempts to prevent
8 an individual from becoming a reporting party, encourages
9 an individual to disobey or avoid a subpoena or other legal
10 process, encourages an individual to withhold evidence,
11 information, or documents, or retaliates against an individual
12 for any lawful act tampers with a reporting party.

13 3. A person who tampers with a witness, juror, or reporting
14 party, as described in subsection 2, commits a class "D"
15 felony. However, if the tampering occurs in a judicial
16 proceeding in which a defendant is charged with a class "A"
17 felony or a class "B" felony, a violation of this section is a
18 class "C" felony.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with
21 the explanation's substance by the members of the general assembly.

22 This bill relates to tampering with witnesses, jurors, or
23 reporting parties.

24 The bill strikes current Code section 720.4 (tampering
25 with witnesses or jurors) and provides that a person commits
26 witness, juror, or reporting party tampering when the person,
27 with the intent to improperly influence the testimony,
28 decision, or statements of an individual that the person
29 believes is or may be a witness, juror, or reporting party,
30 does any of the following: prevents or attempts to prevent an
31 individual from testifying, encourages an individual to disobey
32 or avoid a subpoena or other legal process, encourages an
33 individual to withhold evidence, information, or documents, or
34 retaliates against an individual for any lawful act (tampering
35 with a witness); prevents or attempts to prevent an individual

1 from serving in a judicial proceeding, or retaliates against
2 an individual for any lawful act (tampering with a juror); or
3 prevents or attempts to prevent an individual from becoming a
4 reporting party, encourages an individual to disobey or avoid a
5 subpoena or other legal process, encourages an individual to
6 withhold evidence, information, or documents, or retaliates
7 against an individual for any lawful act (tampering with a
8 reporting party).

9 The bill provides that tampering with a witness, juror,
10 or reporting party is a class "D" felony. However, if the
11 tampering occurs in a judicial proceeding in which a defendant
12 is charged with a class "A" or class "B" felony, such tampering
13 is a class "C" felony. A class "D" felony is punishable by
14 confinement for no more than five years and a fine of at least
15 \$1,025 but not more than \$10,245. A class "C" felony is
16 punishable by confinement for no more than 10 years and a fine
17 of at least \$1,370 but not more than \$13,660.

18 The bill defines "juror", "reporting party", "tampering",
19 and "witness".