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[SF 287](#) – Intimidation of Witnesses (LSB1846SV)  
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Fiscal Note Version – New

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**Description**

[Senate File 287](#) changes the penalty for tampering with witnesses or jurors from an aggravated misdemeanor to an offense one degree higher than the underlying offense. The Bill provides that the penalty cannot be lower than an aggravated misdemeanor.

**Background**

Under Iowa Code section [720.4](#), tampering with witnesses or jurors includes any of the following:

- Offering to bribe any person who the offeror believes has been or may be summoned as a witness or juror in any judicial or arbitration proceeding or any legislative hearing.
- Making threats toward such witness or juror, or forcibly or fraudulently detaining or restraining such witness or juror, with the intent to improperly influence such witness or juror with respect to the witness's or juror's testimony or decision in a case or to prevent such person from testifying or serving in a case.
- Harassing a witness or juror in retaliation for anything lawfully done by any witness or juror in any case.

In FY 2022, nine individuals entered Community-Based Corrections (CBC) for this offense. The underlying offense was an aggravated misdemeanor for four of these admissions and a simple misdemeanor for two of these admissions, and there was no underlying offense for three of these admissions. In FY 2022, four individuals entered prison for this offense. The underlying offense was an aggravated misdemeanor for two of these admissions and a serious misdemeanor for two of these admissions.

An aggravated misdemeanor is punishable by confinement for up to two years and a fine of at least \$855 but not more than \$8,540. A Class D felony is punishable by confinement for up to five years and a fine of at least \$1,025 but not more than \$10,245. A Class C felony is punishable by confinement for up to 10 years and a fine of at least \$1,370 but not more than \$13,660. A Class B felony is punishable by confinement for no more than 25 years. A Class A felony is punishable by lifetime imprisonment.

**Assumptions**

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay (LOS); revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$50 per day.
- Under the Bill, the penalty for tampering with witnesses or jurors would remain an aggravated misdemeanor if the individual's underlying offense is a simple or serious

misdemeanor or if there is no underlying offense. The penalty would increase if the individual's underlying offense is an aggravated misdemeanor or a felony.

- The penalty for this offense would range from an aggravated misdemeanor to a Class A felony, depending on the underlying offense.
- The Bill will not change the number of individuals entering DOC supervision each year.
- The marginal cost per day in prison is \$23.32. The marginal cost per day on probation and parole is \$7.27.

**Correctional Impact**

Depending on an individual's underlying offense, SF 287 would increase the penalty for tampering with witnesses or jurors. The Bill is estimated to increase the number of individuals admitted to prison, decrease the number of individuals admitted to CBC, and increase the LOS for some individuals. This would result in an increased prison population under the Bill. **Table 1** shows the correctional impact if all 13 individuals who entered DOC supervision for this offense in FY 2022 entered under the Bill's modified penalties. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 20, 2023, for information related to the correctional system.

**Table 1 — Change in Admissions and LOS Under SF 287**

Supervision Status and Offense Class	Annual Admissions	LOS (Months)
<b>Current Penalty</b>		
Prison (Aggravated Misdemeanor)	4	9.7
CBC (Aggravated Misdemeanor)	9	7.0
<b>Penalties Under SF 287</b>		
Prison (Class D Felony)	6	19.7
Prison (Aggravated Misdemeanor)	2	9.7
CBC (Aggravated Misdemeanor)	5	7.0

**Minority Impact**

Senate File 287 increases the penalty for tampering with witnesses or jurors for some individuals and may disproportionately impact African American individuals if trends remain constant. Of the 13 individuals admitted to DOC supervision in FY 2022 for this offense, 77.0% were Caucasian and 23.0% were African American. Iowa's population is 84.5% Caucasian and 3.6% African American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 20, 2023, for information related to minorities in the criminal justice system.

**Fiscal Impact**

Senate File 287 is estimated to increase costs to the DOC by approximately \$64,000 per group of individuals who are admitted to DOC supervision each year for this offense, as shown in **Table 2**. This cost is incurred across the entire LOS. **Table 2** represents the cost for only one year's group of admissions, but the increased cost would recur for each year's group of admissions.

**Table 2 — Change in Cost Under SF 287**

<b>Supervision Status and Offense Class</b>	<b>Annual Admissions</b>	<b>Cost Per Day</b>	<b>LOS (Days)</b>	<b>Total Cost</b>
<b>Current Penalty</b>				
Prison (Aggravated Misdemeanor)	4	\$23.42	295	\$27,636
CBC (Aggravated Misdemeanor)	9	\$7.27	213	13,937
<b>Total</b>	<u>13</u>			<u>\$41,573</u>
<b>Penalties Under SF 287</b>				
Prison (Class D Felony)	6	\$23.42	599	\$84,171
Prison (Aggravated Misdemeanor)	2	\$23.42	295	13,818
CBC (Aggravated Misdemeanor)	5	\$7.27	213	7,743
<b>Total</b>	<u>13</u>			<u>\$105,732</u>

**Sources**

Department of Corrections  
Department of Human Rights, Division of Criminal and Juvenile Justice Planning  
Legislative Services Agency

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/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.