



[SF 2348](#) – Witness and Juror Tampering (LSB5493SV)
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Fiscal Note Version – New

Description

[Senate File 2348](#) establishes definitions and increases penalties for witness and juror tampering.

The Bill establishes the following definitions:

- “Tampering” is defined as acts of bribery, threats, forcible or fraudulent detaining or restraining, harassment as described in Iowa Code section [708.7\(1\)](#), assault as described in Iowa Code section [708.1\(2\)](#), or any public offense.
- “Witness” is defined as a person who has been summoned to testify in any judicial proceeding, arbitration, or legislative hearing, or who is listed in the minutes of evidence.
- “Reporting party” is defined as a person who reports or attempts to report a public offense to any fire department, law enforcement agency, emergency communications center, or other public safety entity or a person who assists or attempts to assist a law enforcement agency or prosecuting agency in any criminal investigation or judicial proceeding.

The Bill provides the following penalties:

- A person who tampers with a witness with the intent to prevent an individual from testifying; encourages an individual to disobey or avoid a subpoena or other legal process; or encourages an individual to withhold evidence, information, or documents commits a Class D felony.
- A person who prevents an individual from serving in a judicial proceeding with the intent to improperly influence the individual, or tampers with a juror in retaliation for lawful action taken by the individual, commits a Class D felony.
- A person who prevents an individual from becoming a reporting party with the intent to improperly influence the statements of an individual; encourages an individual to disobey or avoid a subpoena or other legal process; encourages the individual to withhold evidence, information, or documents; or tampers with a reporting party commits a Class D felony.
- A person who tampers with a witness, juror, or reporting party in a judicial proceeding in which a defendant has been charged with a Class A or Class B felony commits a Class C felony.

Background

Under Iowa Code section [720.4](#), a person who offers a bribe, makes a threat, or forcibly detains or restrains a person who the aggressor believes has been or may have been summoned as a witness or juror commits an aggravated misdemeanor.

In FY 2023, 18 individuals were convicted of witness and jury tampering under Iowa Code section 720.4. In the same fiscal year, there were no prison admissions, and three individuals were admitted to Community-Based Corrections (CBC) supervision for probation or parole. Of the three individuals, one offense would move from an aggravated misdemeanor to a Class D felony under the Bill.

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 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. An aggravated misdemeanor is punishable by up to two years in confinement and a fine of at least \$855, but not more than \$8,540.

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 delay 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.

Correctional Impact

The correctional impact of SF 2348 cannot be determined due to the low number of convictions and admissions to Department of Corrections (DOC) supervision for witness and jury tampering. **Figure 1** shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS in months under those supervisions; and supervision marginal costs per day for Class C felonies, Class D felonies, and aggravated misdemeanors. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 16, 2024, for information related to the correctional system.

Figure 1 — Sentencing Estimate and Length of Stay (LOS)

Conviction Offense Class	Percent Ordered to State Prison	FY 2023 Avg LOS in Prison (All Releases)	Marginal Cost Per Day Prison	Percent Ordered to Probation	FY23 Field Avg LOS on Probation	Avg Cost Per Day on Probation	Percent Sentenced to CBC Residential Facility	Marginal Cost Per Day CBC	Percent Ordered to County Jail	Marginal Cost Per Day Jail	FY23 Field Avg LOS on Parole	Marginal Cost Per Day Parole
C Felony (Persons)	89.9%	50.3	\$24.94	27.2%	41.3	\$ 7.67	4.3%	\$ 20.00	52.0%	\$ 50.00	22.3	\$ 7.67
C Felony (Non-Persons)	86.0%	19.4	\$24.94	64.2%	42.2	\$ 7.67	13.0%	\$ 20.00	34.0%	\$ 50.00	21.3	\$ 7.67
D Felony (Persons)	82.6%	20.5	\$24.94	53.9%	35.3	\$ 7.67	9.8%	\$ 20.00	36.9%	\$ 50.00	15.6	\$ 7.67
D Felony (Non-Persons)	84.4%	13.0	\$24.94	69.8%	39.5	\$ 7.67	14.5%	\$ 20.00	32.2%	\$ 50.00	15.7	\$ 7.67
Aggravated Misdemeanor (Persons)	47.6%	10.6	\$24.94	67.6%	25.1	\$ 7.67	5.2%	\$ 20.00	55.9%	\$ 50.00	6.7	\$ 7.67
Aggravated Misdemeanor (Non-Persons)	30.4%	7.5	\$24.94	45.0%	25.1	\$ 7.67	3.6%	\$ 20.00	71.7%	\$ 50.00	11.9	\$ 7.67

Minority Impact

Due to the low number of convictions for this crime in FY 2023, Criminal Juvenile Justice Planning (CJJP) of the Department of Management (DOM) cannot use existing conviction data to determine a minority impact. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 16, 2024, for more information related to minorities in the criminal justice system.

Fiscal Impact

The fiscal impact cannot be determined but is anticipated to be minimal. **Figure 2** shows the average State cost per offense for a Class C felony, a Class D felony, and an aggravated misdemeanor. Potential impacts to the State General Fund include operating costs incurred by the Judicial Branch, the Indigent Defense Fund, and the DOC. Any costs would be incurred across multiple fiscal years for prison and parole supervision.

Figure 2 — Average State Cost Per Offense

Offense Class	Average Cost
Class C Felony	\$14,300 to \$27,500
Class D Felony	\$12,600 to \$18,200
Aggravated Misdemeanor	\$7,500 to \$10,800

Sources

Department of Corrections
Legislative Services Agency

/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.

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