

Senate File 2348 - Introduced

SENATE FILE 2348
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3014)

(COMPANION TO HF 2250 BY
COMMITTEE ON JUDICIARY)

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 person shall not do any of the following:

28 a. With the intent to improperly influence the testimony of
29 an individual that the person believes is or may be a witness,
30 to prevent such individual from testifying, to encourage such
31 individual to disobey or avoid a subpoena or other legal
32 process, or to encourage such individual to withhold evidence,
33 information, or documents, or in retaliation for anything
34 lawfully done by such an individual, tamper with a witness.

35 b. With the intent to improperly influence the decision

1 of any individual that the person believes is or may be a
2 juror, to prevent such individual from serving in a judicial
3 proceeding, or in retaliation for anything lawfully done by
4 such individual, tamper with a juror.

5 c. With the intent to improperly influence the statements
6 of an individual that the person believes is or may be a
7 reporting party, to prevent such individual from becoming a
8 reporting party, to encourage such individual to disobey or
9 avoid a subpoena or other legal process, or to encourage such
10 individual to withhold evidence, information, or documents,
11 or in retaliation for anything lawfully done by such an
12 individual, tamper 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 with
25 witnesses or jurors). The bill states that a person shall not,
26 with certain specified intent or in retaliation to a lawful
27 act of the witness, juror, or reporting party, tamper with the
28 witness, juror, or reporting party.

29 The bill provides that tampering with a witness, juror,
30 or reporting party is a class "D" felony. However, if the
31 tampering occurs in a judicial proceeding in which a defendant
32 is charged with a class "A" or class "B" felony, such tampering
33 is a class "C" felony. A class "D" felony is punishable by
34 confinement for no more than five years and a fine of at least
35 \$1,025 but not more than \$10,245. A class "C" felony is

1 punishable by confinement for no more than 10 years and a fine
2 of at least \$1,370 but not more than \$13,660.

3 The bill defines "juror", "reporting party", "tampering",
4 and "witness".