

JAN 17 2002

JUDICIARY

HOUSE FILE 2017

BY MILLAGE

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act requiring all felons to submit a physical specimen for DNA
2 profiling.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2017

1 Section 1. NEW SECTION. 80.40 DNA PROFILING.

2 The division of criminal investigation shall conduct DNA
3 profiling of submitted physical specimens as ordered under
4 section 901.5 or 906.4. The division of criminal
5 investigation may contract with private entities for DNA
6 profiling. "DNA profiling" means the procedure established by
7 the division of criminal investigation for determining a
8 person's genetic identity through the analysis of a person's
9 deoxyribonucleic acid.

10 Sec. 2. Section 901.5, subsection 8A, Code Supplement
11 2001, is amended to read as follows:

12 8A. a. ~~The Pursuant to section 902.13, the~~ court shall
13 order DNA profiling, as defined in section 80.40, of a
14 defendant convicted of ~~an offense that requires profiling~~
15 under section 13-10 a felony or of a defendant convicted of an
16 aggravated misdemeanor pursuant to section 709.11.

17 b. ~~Notwithstanding section 13-10, the~~ The court may order
18 the a defendant not subject to DNA profiling under paragraph
19 "a" to provide a physical specimen to be submitted for the DNA
20 profiling if appropriate. In determining the appropriateness
21 of ordering DNA profiling, the court shall consider the
22 deterrent effect of DNA profiling, the likelihood of repeated
23 offenses by the defendant, and the seriousness of the offense.

24 Sec. 3. NEW SECTION. 902.13 DNA PROFILING -- FELONIES.

25 A person against whom a judgment of conviction for a felony
26 has been entered shall submit a physical specimen for DNA
27 profiling, as defined in section 80.40, after the person has
28 been committed to the custody of the director of the
29 department of corrections or upon assignment to a judicial
30 district department of correctional services. If the person
31 is confined in a county jail as a result of a felony
32 conviction under section 321J.2, the person shall submit a
33 physical specimen for DNA profiling prior to release from the
34 county jail. The division of criminal investigation of the
35 department of public safety shall conduct DNA profiling of

1 submitted specimens as provided in section 80.40.

2 Sec. 4. Section 906.4, unnumbered paragraph 2, Code 2001,
3 is amended to read as follows:

4 ~~Notwithstanding section 13.10, the~~ The board may order the
5 defendant to provide a physical specimen to be submitted for
6 DNA profiling, as defined in section 80.40, as a condition of
7 parole or work release, if appropriate and if the court has
8 not previously ordered DNA profiling under section 901.5. In
9 determining the appropriateness of ordering DNA profiling, the
10 board shall consider the deterrent effect of DNA profiling,
11 the likelihood of repeated offenses by the defendant, and the
12 seriousness of the offense.

13 Sec. 5. Section 13.10, Code 2001, is repealed.

14 EXPLANATION

15 This bill requires all felons to submit a physical specimen
16 for DNA profiling. "DNA profiling" means a procedure for
17 determining a person's genetic identity.

18 The bill provides that any person convicted of a felony
19 shall submit a physical specimen for DNA profiling. The bill
20 requires that a felon submit a physical specimen when confined
21 at a correctional institution or assigned to a judicial
22 district department of correctional services. The bill and
23 current law provide that the division of criminal
24 investigation shall conduct the DNA profiling or that the
25 division may contract with private entities to conduct the
26 profiling. Current law lists offenses that require DNA
27 profiling under Code section 13.10.

28 The bill and current law also provide that a person
29 convicted of assault with intent to commit sexual abuse,
30 punishable as an aggravated misdemeanor, must submit a
31 physical specimen for DNA profiling.

32 Current law and the bill provide that the court may order a
33 misdemeanor to submit a physical specimen for DNA profiling.

34 In determining whether to order DNA profiling the court shall
35 consider the deterrent effect, the likelihood of repeat

1 offenses, and the seriousness of the crime.

2 Current law and the bill also provide that the board of
3 parole may require DNA profiling as a condition of parole or
4 work release.

5 Current law and the bill do not apply to a person receiving
6 a deferred judgment.

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