

JUDICIARY

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SENATE FILE 206
BY GRONSTAL

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring certain criminal defendants to submit a physical
2 specimen for DNA profiling.

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

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SF 206 JUDICIARY

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 provided in
4 sections 902.13 and 903.7. The division may contract with
5 private entities for DNA profiling. "DNA profiling" means the
6 procedure established by the division of criminal
7 investigation of the department of public safety for
8 determining a person's genetic identity through the analysis
9 of a person's deoxyribonucleic acid.

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

12 8A. a. The court shall order DNA profiling, as defined in
13 section 80.40, of a defendant convicted of ~~an offense that~~
14 ~~requires profiling under section 13-10~~ a felony or order DNA
15 profiling if the defendant is convicted of an offense that
16 requires DNA profiling under section 903.7.

17 ~~Notwithstanding section 13-10,~~ 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 DNA
20 profiling if appropriate. In determining the appropriateness
21 of ordering the 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. NEW SECTION. 903.7 DNA PROFILING --
3 MISDEMEANORS.

4 The attorney general, in consultation with the division of
5 criminal investigation of the department of public safety,
6 shall classify by rule which indictable misdemeanors shall
7 require the offender to submit a physical specimen for DNA
8 profiling, as defined in section 80.40, upon confinement in or
9 prior to release from a county jail, upon commitment to the
10 custody of the director of the department of corrections, or
11 prior to discharge of sentence, or as a condition of
12 probation. Factors to be considered shall include the
13 deterrent effect of DNA profiling, the likelihood of repeated
14 violations, and the seriousness of the offense. The offenses
15 that require the offender to submit a physical specimen for
16 DNA profiling shall include but are not limited to a
17 misdemeanor violation under section 709.11. The division of
18 criminal investigation shall conduct DNA profiling of
19 submitted specimens as provided in section 80.40.

20 Sec. 5. Section 906.4, unnumbered paragraph 2, Code 2001,
21 is amended to read as follows:

22 ~~Notwithstanding section 13.10, the~~ The board may order the
23 defendant to provide a physical specimen to be submitted for
24 DNA profiling, as defined in section 80.40, as a condition of
25 parole or work release, if appropriate and if the court has
26 not ordered DNA profiling under section 901.5. In determining
27 the appropriateness of ordering DNA profiling, the board shall
28 consider the deterrent effect of DNA profiling, the likelihood
29 of repeated offenses by the defendant, and the seriousness of
30 the offense.

31 Sec. 6. Section 13.10, Code 2001, is repealed.

32 EXPLANATION

33 This bill requires certain criminal defendants to submit a
34 physical specimen for DNA profiling. "DNA profiling" means a
35 procedure for determining a person's genetic identity.

1 The bill provides that any person convicted of a felony
2 shall submit a physical specimen for DNA profiling. The bill
3 requires that a felon submit a physical specimen when confined
4 at a correctional institution or assigned to a judicial
5 district department of correctional services. The bill and
6 current law provide that the division of criminal
7 investigation shall conduct the DNA profiling or that the
8 division may contract with private entities to conduct the
9 profiling. Current law lists offenses that require DNA
10 profiling under Code section 13.10.

11 The bill also provides that the attorney general, in
12 consultation with the division of criminal investigation of
13 the department of public safety, may determine the misdemeanor
14 offenses that require DNA profiling. The bill and current law
15 provide that a person convicted of assault with intent to
16 commit sexual abuse, punishable as an aggravated misdemeanor,
17 must submit a physical specimen for DNA profiling.

18 Current law and the bill also provide that the board of
19 parole may require DNA profiling as a condition of parole or
20 work release.

21 Current law and the bill do not apply to a person receiving
22 a deferred judgment.

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