

MAR 3 2006
Place On Calendar

HOUSE FILE 2624
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 634)

Passed House, Date 3-20-06 Passed Senate, Date 4-4-06
Vote: Ayes 96 Nays 0 Vote: Ayes 50 Nays 0
Approved April 21, 2006

A BILL FOR

1 An Act extending the statute of limitations for the filing of an
2 indictment or information in a felony or aggravated or serious
3 misdemeanor proceeding involving DNA profiling.

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

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HF 2624

1 Section 1. Section 802.3, Code 2005, is amended to read as
2 follows:

3 802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

4 In all cases, except those enumerated in sections section
5 802.1, 802.2, and 802.2A, or 802.10, an indictment or
6 information for a felony or aggravated or serious misdemeanor
7 shall be found within three years after its commission.

8 Sec. 2. NEW SECTION. 802.10 DNA PROFILE OF ACCUSED.

9 1. "DNA profile" means the same as defined in section
10 81.1.

11 2. An indictment or information may be found containing
12 only the DNA profile of the person charged. When an
13 indictment or information is found containing only a DNA
14 profile, the limitation of any action under section 802.3 is
15 tolled.

16 3. However, an indictment or information shall be found
17 within three years from the date the identity of the person
18 charged is identified by the person's DNA profile under
19 section 802.3. If the action involves sexual abuse, the
20 indictment or information shall be found as provided in
21 section 802.2, if the person is identified by the person's DNA
22 profile.

23 EXPLANATION

24 This bill extends the statute of limitations for the filing
25 of an indictment or information in a felony or aggravated or
26 serious misdemeanor proceeding involving DNA profiling.

27 Under the bill, an indictment or information may be filed
28 containing only the DNA profile of the person charged. The
29 filing of an indictment or information containing only the DNA
30 profile tolls the limitation of any action under Code section
31 802.3. However, the bill provides that an indictment or
32 information shall be filed within three years from the date
33 the identity of the person charged is identified by the
34 person's DNA profile. If the offense involves sexual abuse
35 and the person is identified by the person's DNA profile, the

1 indictment or information shall be filed as provided in Code
2 section 802.2.

3 Current law provides that such an indictment or information
4 must be filed within three years of the commission of the
5 criminal offense.

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Hutter-cl
Ersklein
Olson, R.

Succeeded By
SF 02624

HSB 634
JUDICIARY

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL).

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

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HOUSE FILE 2624

AN ACT

EXTENDING THE STATUTE OF LIMITATIONS FOR THE FILING OF AN INDICTMENT OR INFORMATION IN A FELONY OR AGGRAVATED OR SERIOUS MISDEMEANOR PROCEEDING INVOLVING DNA PROFILING.

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

Section 1. Section 802.3, Code 2005, is amended to read as follows:

802.3 FELONY -- AGGRAVATED OR SERIOUS MISDEMEANOR.

In all cases, except those enumerated in sections section 802.1, 802.2, and 802.2A, or 802.10, an indictment or information for a felony or aggravated or serious misdemeanor shall be found within three years after its commission.

Sec. 2. NEW SECTION. 802.10 DNA PROFILE OF ACCUSED.

1. "DNA profile" means the same as defined in section 81.1.
2. An indictment or information may be found containing only the DNA profile of the person charged. When an indictment or information is found containing only a DNA profile, the limitation of any action under section 802.3 is tolled.
3. However, an indictment or information shall be found within three years from the date the identity of the person charged is identified by the person's DNA profile under section 802.3. If the action involves sexual abuse, the

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2624, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor