

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

**A BILL FOR**

1 An Act requiring a person convicted of or receiving a deferred  
2 judgment for an aggravated misdemeanor to submit a DNA  
3 sample and including a contingent effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DRAFT

1 Section 1. Section 81.2, subsection 1, Code 2011, is amended  
2 to read as follows:

3 1. A person who receives a deferred judgment for a  
4 felony, aggravated misdemeanor, or against whom a judgment or  
5 conviction for a felony or aggravated misdemeanor has been  
6 entered shall be required to submit a DNA sample for DNA  
7 profiling pursuant to section 81.4.

8 Sec. 2. Section 81.10, subsection 1, Code 2011, is amended  
9 to read as follows:

10 1. A defendant who has been convicted of a felony or  
11 aggravated misdemeanor and who has not been required to submit  
12 a DNA sample for DNA profiling may make a motion to the court  
13 for an order to require that DNA analysis be performed on  
14 evidence collected in the case for which the person stands  
15 convicted.

16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
17 3, shall not apply to this Act.

18 Sec. 4. CONTINGENT EFFECTIVE DATE — DEPARTMENT OF PUBLIC  
19 SAFETY AND CODE EDITOR RESPONSIBILITIES.

20 1. This Act takes effect the later of July 1, 2012, or on  
21 the date sufficient funds have been appropriated or received to  
22 pay the costs to implement this Act.

23 2. The commissioner of public safety shall notify the Code  
24 editor when sufficient funds have been appropriated or are  
25 received to pay the costs to implement this Act.

26 EXPLANATION

27 This bill requires a person convicted of an aggravated  
28 misdemeanor to submit a DNA sample.

29 The bill requires a person convicted of or who receives  
30 a deferred judgment for an offense that is classified as  
31 an aggravated misdemeanor to submit a DNA sample for DNA  
32 profiling.

33 Current law provides that a person who is convicted of or  
34 who receives a deferred judgment for an offense classified as a  
35 felony shall submit a DNA sample for DNA profiling.

1     The bill may include a state mandate as defined in Code  
2 section 25B.3. The bill makes inapplicable Code section 25B.2,  
3 subsection 3, which would relieve a political subdivision from  
4 complying with a state mandate if funding for the cost of  
5 the state mandate is not provided or specified. Therefore,  
6 political subdivisions are required to comply with any state  
7 mandate included in the bill.

8     The bill takes effect the later of July 1, 2012, or when  
9 sufficient funds are appropriated or received by the department  
10 of public safety to implement the bill.

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