

Proposed 3/88

FILED MAR 7 1988

SENATE FILE 2307

BY COMMITTEE ON JUDICIARY

(formerly 55B 2235)

Passed Senate, Date 3/15/88 (9 822) Passed House, Date _____
Vote: Ayes 41 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to evidence for identification of certain
2 criminals and establishing certain requirements for their
3 early release, providing for a study by the department of
4 corrections, and providing an effective date.

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

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SF 2307

5387

1 Section 1. NEW SECTION. 622.107 PHYSICAL CRIMINAL
2 EVIDENCE -- CENTRAL REGISTRY.

3 The Iowa department of public safety shall establish and
4 maintain a central registry of individuals convicted of a
5 felony or any crime under chapter 709 and provide for the
6 collection and preservation of test results obtained from a
7 physical specimen used to determine the genetic makeup of the
8 individual which may be used to identify an individual by
9 matching those results with the results of a subsequent test
10 of a subsequent physical specimen obtained as a result of the
11 investigation of any crime which involves a felony or any
12 criminal act under chapter 709 or obtained from a person
13 convicted of a felony or any crime under chapter 709. A
14 physical specimen collected during an investigation from an
15 individual who is not convicted and any test results from the
16 specimen shall be destroyed. The test results maintained at
17 the central registry may be used for criminal identification
18 purposes and that identification is admissible, subject to the
19 rules of evidence, in any subsequent criminal proceeding
20 involving the felony or criminal prosecution under chapter 709
21 where a physical specimen is collected as a result of the
22 investigation of the subsequent criminal act. Physical
23 specimens shall be obtained and tested as the result of a
24 conviction of a felony or criminal act under chapter 709, as
25 the result of a proper search warrant, and pursuant to
26 sections 906.18 and 907.14.

27 Access to the information collected and stored at the
28 central registry is limited to a county attorney involved in a
29 prosecution of a felony or any crime under chapter 709, an
30 attorney for a defendant in a criminal action charged with a
31 felony or any crime under chapter 709 where the defendant has
32 previously submitted a physical specimen, or pursuant to court
33 order, and shall be limited to test results stored and
34 obtained from a physical specimen of the defendant. Access is
35 limited to any information or specimen which may have been

1 obtained from the defendant involved in the prosecution.

2 Sec. 2. NEW SECTION. 906.18 CONDITION FOR PAROLE.

3 A person convicted of a felony or a crime under chapter
4 709, who is otherwise eligible for parole under this chapter,
5 shall submit a physical specimen to be tested and the results
6 shall be stored pursuant to section 622.107 as a condition of
7 that parole.

8 Sec. 3. NEW SECTION. 907.14 CONDITION FOR PROBATION.

9 A person convicted of a felony or a crime under chapter
10 709, who is otherwise eligible for probation under this
11 chapter, shall submit a physical specimen to be tested and the
12 results shall be stored pursuant to section 622.107 as a
13 condition of that probation.

14 Sec. 4. The department of corrections shall establish a
15 plan of implementation and prepare a proposed budget including
16 costs of creating the central registry and the continuing
17 costs of administering the registry.

18 The department shall also examine the possibility of
19 establishing a regional and national central registry within
20 this state to accomplish the purposes of identification as set
21 forth in this Act on a regional and national basis. This
22 examination shall include, but not be limited to, the cost of
23 establishing and operating the regional or national central
24 registry. The department shall report the results of this
25 study to the general assembly by July 1, 1989.

26 Sec. 5. Sections 1 through 3 of this Act take effect on
27 July 1, 1990.

28 EXPLANATION

29 This bill establishes a registry for persons convicted of
30 the crime of sexual abuse and provides for the collection and
31 preservation of certain physical specimens obtained as a
32 result of a criminal investigation, or as a condition of the
33 parole or probation of a person convicted of a crime of sexual
34 abuse. The physical specimen may be used for identification
35 purposes and is admissible in a subsequent criminal proceeding

1 subject to the rules of evidence.

2 The department of corrections is to establish the
3 possibility of establishing a regional and national central
4 registry within this state.

5 SUCESSOR TO LSB 8339SC

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SENATE FILE 2307

S-5351

1 Amend Senate File 2307 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 622.107 PHYSICAL
5 CRIMINAL EVIDENCE -- CENTRAL REGISTRY.

6 1. The Iowa department of public safety shall
7 establish and maintain a central registry of
8 individuals convicted of any crime identified by the
9 department pursuant to subsection 4. The department
10 shall provide for the collection and recording of test
11 results obtained from a physical specimen used to
12 determine the genetic makeup of the individual. The
13 test results may be used to identify an individual by
14 matching those results with the results of a
15 subsequent test of a subsequent physical specimen
16 obtained as a result of the investigation of any
17 crime, or obtained from a person convicted of any
18 crime identified by the department pursuant to
19 subsection 4. A physical specimen collected during an
20 investigation from an individual who is not convicted
21 and any test results from the specimen shall be
22 destroyed.

23 A test result recorded at the central registry and
24 used for criminal identification purposes is
25 admissible, subject to the rules of evidence, in any
26 subsequent criminal proceeding involving a crime
27 identified by the department pursuant to subsection 4
28 if a physical specimen is collected as a result of the
29 investigation of the subsequent criminal act.
30 Physical specimens shall be obtained and tested as the
31 result of a conviction of a crime identified by the
32 department pursuant to subsection 4, as the result of
33 a proper search warrant, and pursuant to sections
34 906.18 and 907.14.

35 3. Access to the information collected and
36 recorded at the central registry is limited to a
37 county attorney involved in a prosecution of a crime
38 identified by the department pursuant to subsection 4,
39 an attorney for a defendant in the criminal action if
40 the defendant has previously submitted a physical
41 specimen, or pursuant to court order, and shall be
42 limited to test results obtained from a physical
43 specimen of the defendant. Access is limited to any
44 information or specimen which may have been obtained
45 from the defendant involved in the prosecution.

46 4. The department shall establish a list of public
47 offenses for which a conviction shall result in a
48 physical specimen being obtained for testing from the
49 person convicted. The results of the test shall be
50 recorded and preserved at the central registry. The

1 list of public offenses shall include only offenses
2 which are felonies or crimes under chapter 709, as
3 determined by the department. The department shall
4 consider the probability of a physical specimen being
5 discovered during the investigation of the public
6 offense, the relevance of physical evidence with
7 respect to the public offense committed, and other
8 factors which the department deems important in
9 determining whether to list the public offense
10 pursuant to this subsection.

11 Sec. 2. NEW SECTION. 906.18 CONDITION FOR
12 PAROLE.

13 A person convicted of a public offense included on
14 the list established under section 622.107, subsection
15 4, who is otherwise eligible for parole under this
16 chapter, shall submit a physical specimen to be tested
17 and the results shall be handled pursuant to section
18 622.107 as a condition of that parole.

19 Sec. 3. NEW SECTION. 907.14 CONDITION FOR
20 PROBATION.

21 A person convicted of a public offense included on
22 the list established under section 622.107, subsection
23 4, who is otherwise eligible for probation under this
24 chapter, shall submit a physical specimen to be tested
25 and the results shall be handled pursuant to section
26 622.107 as a condition of that probation.

27 Sec. 4. The Iowa department of public safety shall
28 establish a plan of implementation and prepare a
29 proposed budget including costs of creating the
30 central registry, the continuing costs of
31 administering the registry, and the costs associated
32 with the collection and testing of physical specimens.
33 The department shall establish a preliminary list of
34 public offenses for which a physical specimen may be
35 collected and the rationale for including each public
36 offense on the list.

37 The department shall also examine the possibility
38 of establishing a regional and national central
39 registry within this state to accomplish the purposes
40 of identification as set forth in this Act on a
41 regional and national basis. This examination shall
42 include, but not be limited to, the cost of
43 establishing and operating the regional or national
44 central registry. The department shall report the
45 results of the study required under this section to
46 the general assembly by July 1, 1989.

47 Sec. 5. Sections 1 through 3 of this Act take
48 effect on July 1, 1990."

49 2. Title page, line 4, by striking the word
50 "corrections" and inserting the following: "public
Page 3

1 safety".

SENATE FILE 2307

S-5262

- 1 Amend Senate File 2307 as follows:
- 2 1. Page 2, line 14, by striking the word
- 3 "corrections" and inserting the following: "public
- 4 safety".

S-5262

Filed March 8, 1988

Adopted 3/15 (p. 826)

BY DONALD V. DOYLE

SENATE FILE 2307

S-5378

- 1 Amend the amendment, S-5351, to Senate File 2307 as
- 2 follows:
- 3 1. Page 2, by striking lines 11 through 46.
- 4 2. Page 2, by striking line 47 and inserting the
- 5 following:
- 6 "Sec. 2. This Act takes".
- 7 3. Page 2, by inserting after line 48 the
- 8 following:
- 9 "_____. Title page, lines 2 and 3, by striking the
- 10 words "and establishing certain requirements for their
- 11 early release"."
- 12 4. Renumber as necessary.

S-5378

Filed March 15, 1988

Adopted 3/15 (p. 826)

ADOPTED

BY TOM MANN, Jr.

See Judiciary 3/17
Amend for 5899. to Pam 3/25 (p. 5899)

SENATE FILE 2307
BY COMMITTEE ON JUDICIARY

(AS AMENDED AND PASSED BY THE SENATE MARCH 15, 1988)

ALL New Language by the Senate

Passed Senate, Date 4/7/88 (p. 1317) Passed House, Date 3/30/88 (p. 1240)
Vote: Ayes 46 Nays 0 Vote: Ayes 90 Nays 0
Approved April 27, 1988

A BILL FOR

5899 An Act relating to evidence for identification of certain
2 criminals, providing for a study by the department of public
3 safety, and providing an effective date.

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

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S.F. 2307

1 Section 1. NEW SECTION. 622.107 PHYSICAL CRIMINAL
2 EVIDENCE -- CENTRAL REGISTRY.

3 1. The Iowa department of public safety shall establish
4 and maintain a central registry of individuals convicted of
5 any crime identified by the department pursuant to subsection
6 4. The department shall provide for the collection and
7 recording of test results obtained from a physical specimen
8 used to determine the genetic makeup of the individual. The
9 test results may be used to identify an individual by matching
10 those results with the results of a subsequent test of a
11 subsequent physical specimen obtained as a result of the
12 investigation of any crime, or obtained from a person
13 convicted of any crime identified by the department pursuant
14 to subsection 4. A physical specimen collected during an
15 investigation from an individual who is not convicted and any
16 test results from the specimen shall be destroyed.

17 A test result recorded at the central registry and used for
18 criminal identification purposes is admissible, subject to the
19 rules of evidence, in any subsequent criminal proceeding
20 involving a crime identified by the department pursuant to
21 subsection 4 if a physical specimen is collected as a result
22 of the investigation of the subsequent criminal act. Physical
23 specimens shall be obtained and tested as the result of a
24 conviction of a crime identified by the department pursuant to
25 subsection 4, as the result of a proper search warrant, and
26 pursuant to sections 906.18 and 907.14.

27 3. Access to the information collected and recorded at the
28 central registry is limited to a county attorney involved in a
29 prosecution of a crime identified by the department pursuant
30 to subsection 4, an attorney for a defendant in the criminal
31 action if the defendant has previously submitted a physical
32 specimen, or pursuant to court order, and shall be limited to
33 test results obtained from a physical specimen of the
34 defendant. Access is limited to any information or specimen
35 which may have been obtained from the defendant involved in

1 the prosecution.

2 4. The department shall establish a list of public
3 offenses for which a conviction shall result in a physical
4 specimen being obtained for testing from the person convicted.
5 The results of the test shall be recorded and preserved at the
6 central registry. The list of public offenses shall include
7 only offenses which are felonies or crimes under chapter 709,
8 as determined by the department. The department shall
9 consider the probability of a physical specimen being
10 discovered during the investigation of the public offense, the
11 relevance of physical evidence with respect to the public
12 offense committed, and other factors which the department
13 deems important in determining whether to list the public
14 offense pursuant to this subsection.

15 Sec. 2. This Act takes effect on July 1, 1990.

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SENATE FILE 2307

H-5899

1 Amend Senate File 2307, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. The department of public safety shall
6 prepare a study, including an implementation plan and
7 budget, for the establishment of a physical criminal
8 evidence registry. The report of this study shall be
9 submitted to the governor and the general assembly no
10 later than January 1, 1990. The study shall consider,
11 but shall not be limited to, the use of genetic
12 profiling techniques in criminal identification, and
13 shall address the potential effectiveness, the cost,
14 and the feasibility of the use of these techniques."

By COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

JAY of Appanoose, Chairperson

H-5899 FILED MARCH 25, 1988

Adopted 3/30/88 (p. 1240)

SENATE FILE 2307

H-5911

1 Amend Senate File 2307 as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 14 through 16 and
4 inserting the following: "to subsection 4."

By TYRRELL of Iowa

H-5911 FILED MARCH 25, 1988

Filed c/o 3/30 (p. 1240)

SENATE FILE 2307

H-5934

1 Amend Senate File 2307 as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Title page, by striking lines 1 through 3 and
4 inserting the following: "An Act providing for a
5 study by the department of public safety concerning
6 the establishment of a physical criminal evidence
7 registry."

By ROSENBERG of Story

H-5934 FILED MARCH 28, 1988

Adopted 3/30 (p. 1240)

HOUSE AMENDMENT TO
SENATE FILE 2307

S-5730

1 Amend Senate File 2307, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. The department of public safety shall
6 prepare a study, including an implementation plan and
7 budget, for the establishment of a physical criminal
8 evidence registry. The report of this study shall be
9 submitted to the governor and the general assembly no
10 later than January 1, 1990. The study shall consider,
11 but shall not be limited to, the use of genetic
12 profiling techniques in criminal identification, and
13 shall address the potential effectiveness, the cost,
14 and the feasibility of the use of these techniques."

15 2. Title page, by striking lines 1 through 3 and
16 inserting the following: "An Act providing for a
17 study by the department of public safety concerning
18 the establishment of a physical criminal evidence
19 registry."

20 3. By renumbering, relettering, or redesignating
21 and correcting internal references as necessary.

S-5730

Filed April 4, 1988

62-117-117 (7-13-4)

RECEIVED FROM THE HOUSE

L.S.B

SSB 2235

JUDICIARY-Carr. Chair; Mann and Gentleman

CARR. CH.

MANN

GENTLEMAN

SSB 2235

JUDICIARY

SENATE FILE 2307

BY (PROPOSED COMMITTEE ON
JUDICIARY BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to evidence for identification of certain
2 criminals and establishing certain requirements for their
3 early release.

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

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1 Section 1. NEW SECTION. 622.107 PHYSICAL CRIMINAL
2 EVIDENCE -- CENTRAL REGISTRY.

3 The Iowa department of public safety shall establish and
4 maintain a central registry of individuals convicted of a
5 crime under chapter 709 and provide for the collection and
6 preservation of physical specimens obtained as a result of the
7 investigation of any crime which involves a criminal act under
8 chapter 709 or obtained from a person convicted of a crime
9 under chapter 709. A physical specimen collected during an
10 investigation from an individual who is not convicted shall be
11 destroyed. The physical specimen preserved may be used for
12 criminal identification purposes and that identification is
13 admissible, subject to the rules of evidence, in any
14 subsequent criminal proceeding involving a criminal
15 prosecution under chapter 709 where a physical specimen is
16 collected as a result of the investigation of the subsequent
17 criminal act. Access to the information is limited to a
18 county attorney involved in a prosecution of a crime under
19 chapter 709, an attorney for a defendant in a criminal action
20 charged with a crime under chapter 709 where the defendant has
21 previously submitted a physical specimen, or pursuant to court
22 order. Access is limited to any information or specimen which
23 may have been obtained from the defendant involved in the
24 prosecution.

25 Sec. 2. NEW SECTION. 906.18 CONDITION FOR PAROLE.

26 A person convicted of a crime under chapter 709, who is
27 otherwise eligible for parole under this chapter, shall submit
28 a physical specimen to be preserved pursuant to section
29 622.107 as a condition of that parole.

30 Sec. 3. NEW SECTION. 907.14 CONDITION FOR PROBATION.

31 A person convicted of a crime under chapter 709, who is
32 otherwise eligible for probation under this chapter, shall
33 submit a physical specimen to be preserved pursuant to section
34 622.107 as a condition of that probation.

35 EXPLANATION

1 This bill establishes a registry for persons convicted of
2 the crime of sexual abuse and provides for the collection and
3 preservation of certain physical specimens obtained as a
4 result of a criminal investigation, or as a condition of the
5 parole or probation of a person convicted of a crime of sexual
6 abuse. The physical specimen may be used for identification
7 purposes and is admissible in a subsequent criminal proceeding
8 subject to the rules of evidence.

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shall address the potential effectiveness, the cost, and the feasibility of the use of these techniques.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2307, Seventy-second General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1988

TERRY E. BRANSTAD
Governor

SF 2307

SENATE FILE 2307

AN ACT

PROVIDING FOR A STUDY BY THE DEPARTMENT OF PUBLIC SAFETY CONCERNING THE ESTABLISHMENT OF A PHYSICAL CRIMINAL EVIDENCE REGISTRY.

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

Section 1. The department of public safety shall prepare a study, including an implementation plan and budget, for the establishment of a physical criminal evidence registry. The report of this study shall be submitted to the governor and the general assembly no later than January 1, 1990. The study shall consider, but shall not be limited to, the use of genetic profiling techniques in criminal identification, and