

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Rulemaking related to the DNA database

The Public Safety Department hereby rescinds Chapter 156, “DNA Database,” Iowa Administrative Code, and adopts a new Chapter 156 with the same title.

Legal Authority for Rulemaking

This rulemaking is adopted under the authority provided in Iowa Code section 81.4.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapter 81.

Purpose and Summary

Pursuant to Executive Order 10, the Department hereby rescinds Chapter 156 and adopts a new chapter in lieu thereof. The purpose of Chapter 156 is to govern the administration of the DNA database and the collection, submission, analysis, identification, storage, expungement, and disposition of DNA records gathered for the database.

Public Comment and Changes to Rulemaking

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on April 29, 2026, as **ARC 0225D**. A public hearing was held on the following date(s):

- May 19, 2026
- May 20, 2026

No one attended the public hearings. No public comments were received.

Pursuant to Executive Order 10, the Department removed rule 661—156.10(81), Expungement of DNA Samples, since it is duplicative of Iowa Code section 81.9. However, upon further review, Iowa Code section 81.9 directs the Department to adopt rules outlining the expungement process. As such, the Department is reinstating rule 661—156.10(81), renumbered herein as 661—156.9(81).

Additionally, the reference to 661—Chapter 10 in subrule 156.9(2) was removed and replaced with 7—Chapter 2506, “Contested Cases,” since 661—Chapter 10 was rescinded effective July 1, 2026, pursuant to 2026 Iowa Acts, Senate File 2463.

Adoption of Rulemaking

This rulemaking was adopted by the Department on June 3, 2026.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 7—Chapter 2504.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on August 12, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 661—Chapter 156 and adopt the following **new** chapter in lieu thereof:

CHAPTER 156
DNA DATABASE

661—156.1(81) Establishment of DNA database. There is established a DNA database within the division criminalistics laboratory. These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, and disposition of DNA records gathered for the DNA database. These rules do not apply to the collection and handling of DNA samples gathered as evidence in the course of criminal investigations.

661—156.2(81) Definitions. The following definitions apply to rules 661—156.1(81) through 661—156.9(81):

“Administrator” means the administrator of the division criminalistics laboratory.

“Commissioner” means the commissioner of public safety.

“Database” means the DNA database located in the division criminalistics laboratory.

“Department” means the department of public safety.

“Director” means the director of the division.

“Division” means the division of criminal investigation.

“DNA” means deoxyribonucleic acid.

“Expungement” means the removal of information from the database, effectively severing any ability to link a DNA profile and an individual.

“Laboratory” means the division criminalistics laboratory.

661—156.3(81) Administration of DNA database. The database is under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.

661—156.4(81) Collection of DNA samples. Samples of DNA will be collected from any person required to submit a sample pursuant to the provisions of Iowa Code chapter 81.

156.4(1) The sample will be collected by the agency to which custody or responsibility for supervision has been assigned by the court issuing the sentencing order.

156.4(2) Each DNA sample will be collected as soon as is practical after an agency assumes custody or supervision of the person required to submit the DNA sample and the DNA sample is submitted to the laboratory in accordance with rule 661—156.5(81).

156.4(3) Each DNA sample will be collected using a DNA collection kit provided by the laboratory, following the instructions provided for the kit by the laboratory.

EXCEPTION: A DNA sample may be collected without the use of a DNA collection kit provided by the laboratory. If a sample is collected without the use of a kit, the person submitting the sample will include a signed and dated statement describing the collection procedure.

661—156.5(81) Submission of DNA samples.

156.5(1) All samples collected for inclusion in the database should be submitted to the following address:

Iowa DCI Criminalistics Laboratory
2240 South Ankeny Boulevard
Ankeny, Iowa 50023-9093

EXCEPTION: Each sample submitted in a package with a preprinted mailing address or with a mailing label with a preprinted address, when such package or label has been provided by the laboratory, will be mailed to the preprinted address. Any other sample will be mailed in accordance with instructions provided by the laboratory.

156.5(2) Each sample submitted will be accompanied by a completed DNA sample donor identification form included in the DNA collection kit provided by the laboratory. If the sample is submitted without the donor identification form, the sample will be accompanied by a statement signed and dated by the person submitting it, with at least the following information identifying the subject of the DNA sample: full name, date of birth, and a clear fingerprint. Additional identifying information, such as the social security number of the person providing the sample or identifying numbers assigned by state agencies, will be provided if available.

661—156.6(81) Analysis of DNA samples. Samples of DNA submitted to the laboratory will be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of the “Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories” published by the DNA Advisory Board to the Federal Bureau of Investigation, July 1, 2025.

EXCEPTION: Analysis of DNA samples may be conducted by other laboratories under contract with the department with the approval of the administrator. Any other laboratory conducting analysis of DNA samples for inclusion in the database will comply with the requirements and procedures to which the laboratory is subject under this rule.

661—156.7(81) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database will be identified by a unique number that will reference the full name of the person whose sample is submitted, the person’s date of birth, and a clear fingerprint taken from the person.

661—156.8(81) Storage of DNA samples. Samples of DNA submitted for inclusion in the database will be stored at room temperature.

661—156.9(81) Expungement of DNA samples.

156.9(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person’s conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator
Iowa DCI Criminalistics Laboratory
2240 S. Ankeny Boulevard
Ankeny, Iowa 50023-9093

156.9(2) Action on expungement request.

a. The laboratory, upon receipt of a written request that validates reversal on appeal of a person’s conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to Iowa Code section 81.3(3) “*b*,” shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person’s representative shall be notified upon completion of such action.

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of 7—Chapter 2504, except that such requests shall be addressed as follows:

Commissioner, Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319

156.9(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

These rules are intended to implement Iowa Code chapter 81.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/8/26.