Regulatory Analysis

Notice of Intended Action to be published: 661—Chapter 156
"DNA Database"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 81.4
State or federal law(s) implemented by the rulemaking: Iowa Code chapter 81

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 2, 2025 10:30 to 11 a.m.	125 Public Conference Room Oran Pape State Office Building Des Moines, Iowa

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Public Safety no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Des Moines, Iowa 50319
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Purpose and Summary

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

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Law enforcement agencies that wish to submit DNA samples to the laboratory for testing and analysis will bear the costs.

- **Classes of persons that will benefit from the proposed rulemaking:**

Law enforcement agencies from around the State will benefit from having trained laboratory staff performing forensic scientific analysis on DNA samples they submit, further aiding in investigation and prosecution of crimes.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

Law enforcement agencies that wish to submit DNA samples to the laboratory for testing and analysis are responsible for transporting or mailing the evidence to the laboratory.

- **Qualitative description of impact:**

Law enforcement agencies that wish to submit samples to the laboratory for testing and analysis would be responsible for dedicating time out of the workday to personally deliver samples if they are not mailed.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are none.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

There is no cost for law enforcement agencies to submit DNA samples to the lab for analysis and inclusion in the DNA database. Inaction could lead to a lack of clarity surrounding the laboratory's capabilities, submission and analysis procedures, and disposition of DNA samples.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Department has determined this to be the least costly and least intrusive method for achieving the purpose of the proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

There were none.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking is not anticipated to have a substantial impact on small business.

Text of Proposed Rulemaking

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—156.8(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 Iowa 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.

These rules are intended to implement Iowa Code chapter 81.