

**81.11 Application for DNA profiling.**

1. The court shall grant an application for DNA profiling if all of the following apply:
  - a. The forensic sample subject to DNA profiling is available and either DNA profiling has not been performed on the forensic sample or DNA profiling has been previously performed on the forensic sample and the defendant is requesting DNA profiling using a new method or technology that is substantially more probative than the DNA profiling previously performed.
  - b. A sufficient chain of custody has been established for the forensic sample.
  - c. The identity of the person who committed the crime for which the defendant was convicted was a significant issue in the crime for which the defendant was convicted.
  - d. The forensic sample subject to DNA profiling is material to, and not merely cumulative or impeaching of, evidence included in the trial record or admitted to at a guilty plea proceeding.
  - e. The DNA profiling results would raise a reasonable probability that the defendant would not have been convicted if such results had been introduced at trial.
2. Upon the court granting an application filed pursuant to [this section](#), DNA profiling of a forensic sample shall be conducted within the guidelines generally accepted by the scientific community if the testing type or resulting profile is not eligible to be uploaded or searched in the national DNA index system database. The defendant shall provide DNA samples for testing if requested by the state.

[2019 Acts, ch 149, §3](#)

Referred to in [§81.12](#)

NEW section