

**81.12 When DNA database comparisons may be ordered.**

1. If DNA profiling ordered under [section 81.11](#) produces an unidentified DNA profile, after notice to the parties, including the department of public safety, the court may order the department of public safety to do any of the following:

a. Compare the DNA profile to the national DNA index system. The profile shall only be compared to the national DNA index system if the combined DNA index system administrator determines all of the following:

(1) The forensic sample is collected contemporaneously from the crime scene, has a nexus to the crime scene, is probative, and is suitable for analysis.

(2) The DNA profile was generated through a technology that complies with all requirements in the national DNA index system operational procedures manual.

(3) The DNA profile meets all the requirements in the national DNA index system operational procedures manual for either uploading the profile or conducting a keyboard search.

b. Compare the DNA profile to the state DNA index system if the profile meets all applicable state requirements.

2. If any provision of a court order under [this section](#) results in a violation of federal law, the federal bureau of investigation's national DNA index system operational procedures manual, or the memorandum of understanding between the federal bureau of investigation laboratory division and the Iowa division of criminal investigation criminalistics laboratory for participation in the national DNA index system, that portion of the order shall be considered unenforceable. The remaining provisions of the order shall remain in effect.

[2019 Acts, ch 149, §4](#)

NEW section