

81.13 Additional DNA profiling provisions.

1. The results of DNA profiling conducted pursuant to [this section](#) shall be provided to the court, the defendant, the state, and the federal bureau of investigation. DNA samples obtained pursuant to [this section](#) may be included in the DNA data bank, and DNA profiles and DNA records developed pursuant to [this section](#) may be included in the DNA database.

2. A criminal or juvenile justice agency, as defined in [section 692.1](#), shall maintain DNA samples and forensic samples that could be tested for DNA for a period of three years beyond the limitations for the commencement of criminal actions as set forth in [chapter 802](#). [This section](#) does not create a cause of action for damages or a presumption of spoliation in the event a forensic sample is no longer available for testing.

3. If the court determines a defendant who files an application under [this section](#) is indigent, the defendant shall be entitled to appointment of counsel as provided in [chapter 815](#).

4. If the court determines after DNA profiling ordered pursuant to the application filed under [section 81.10](#) that the results indicate conclusively that the DNA profile of the defendant matches the profile from the analyzed evidence used against the defendant, the court may order the defendant to pay the costs of these proceedings, including costs of all testing, court costs, and costs of court-appointed counsel, if any.

[2019 Acts, ch 149, §5](#)

NEW section