

CHAPTER 8  
DNA PROFILING

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

**61—8.1(13) Definitions.** As used in this chapter:

*“Convicted.”* The term includes both a person’s present conviction and any prior conviction, whether occurring in Iowa or another jurisdiction.

*“Listed offense.”* A listed offense is any offense set out in these rules. It also includes similar offenses under prior laws of the state of Iowa or the laws of another jurisdiction.

*“Responsible agency.”* The district court is the responsible agency under these rules in those cases in which a person is being considered for probation. The Iowa board of parole is the responsible agency under these rules in those cases in which a person is being considered for work release or parole. The department of corrections or the judicial district department of correctional services is the responsible agency under these rules in those cases in which a person is being committed to or discharges from the custody of the director of the department of corrections or the judicial district department of correctional services. The county sheriff is the responsible agency under these rules in those cases in which a person is being confined to the county jail. The responsible agency shall require the taking of a DNA sample.

**61—8.2(13) Persons required to submit specimens.**

**8.2(1)** A person who has been convicted at any time of a listed offense shall, prior to being granted probation, parole, work release or discharge, submit to DNA profiling under the provisions of Iowa Code section 13.10.

**8.2(2)** If the person has previously provided a specimen, the responsible agency shall make a determination as to whether another DNA specimen should be provided.

**61—8.3(13) Listed offenses.** The following are listed offenses for the purpose of these rules:

1. Murder (Iowa Code section 707.2 or section 707.3).
2. Attempt to commit murder (Iowa Code section 707.11).
3. Kidnapping (Iowa Code sections 710.1, 710.2 and 710.3).
4. Sexual abuse (Iowa Code sections 709.2, 709.3 and 709.4).
5. Assault with intent to commit sexual abuse (Iowa Code section 709.11).
6. Assault while participating in a felony (Iowa Code section 708.3).
7. Burglary in the first degree (Iowa Code section 713.3).

**61—8.4** Reserved.

**61—8.5(13) Prescribed sample techniques.** The sample size, methods of drawing and preservation, labeling and shipping shall be as specified by the administrator of the division of criminal investigation criminalistics laboratory, department of public safety.

**61—8.6(13) Effective date.** Rescinded IAB 1/24/01, effective 2/28/01.

These rules are intended to implement Iowa Code section 13.10.

[Filed 4/24/91, 12/12/90—published 5/15/91, effective (see 61—8.6(13))]

[Filed 1/5/01, Notice 11/1/00—published 1/24/01, effective 2/28/01]