

CHAPTER 156
DNA DATABASE

661—156.1(81) Establishment of DNA database. There is established a DNA database within the division of criminal investigation criminalistics laboratory.

These rules govern the administration of the DNA database and the collection, submission, analysis, identification, storage, disposition, and expungement 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.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.2(81) Definitions. The following definitions apply to rules 661—156.1(81) through 661—156.10(81):

“*Administrator*” means the administrator of the division of criminal investigation criminalistics laboratory.

“*Commissioner*” means the commissioner of public safety.

“*Database*” means the DNA database located in the division of criminal investigation criminalistics laboratory.

“*Department*” means the Iowa department of public safety.

“*Director*” means the director of the division of criminal investigation.

“*Division*” means the division of criminal investigation (DCI).

“*DNA*” means deoxyribonucleic acid.

“*Expungement*” means the removal of information from the DNA database, effectively severing any ability to link a DNA profile and an individual.

“*Laboratory*” means the division of criminal investigation criminalistics laboratory.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.3(81) Administration of DNA database. The DNA database shall be under the direct supervision of a supervising criminalist employed by the laboratory and designated by the administrator.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.4(81) Collection of DNA samples. Samples of DNA shall be collected from any person required to submit a sample pursuant to the provisions of 2005 Iowa Acts, House File 619.

156.4(1) The sample shall 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 shall be collected as soon as practical after an agency assumes custody or supervision of the person required to submit the DNA sample and shall be submitted to the laboratory in accordance with rule 661—156.5(81).

156.4(3) Each DNA sample shall 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 shall include a signed and dated statement describing the collection procedure.

[ARC 0219C, IAB 7/25/12, effective 9/1/12]

661—156.5(81) Submission of DNA samples.

156.5(1) All samples collected for inclusion in the DNA database should be submitted to the following address:

Iowa DCI Criminalistics Laboratory
2240 S. 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 Division of Criminal Investigation Criminalistics Laboratory, shall be mailed to the preprinted address. Any

other sample shall be mailed in accordance with instructions provided by the Division of Criminal Investigation Criminalistics Laboratory.

156.5(2) Each sample submitted shall 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 shall 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, shall be provided if available.

[Editorial change: IAC Supplement 6/17/09; **ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.6(81) Analysis of DNA samples. Samples of DNA submitted to the laboratory shall be analyzed by laboratory personnel and the results of the analysis entered into the database in accordance with the provisions of “Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories,” published by the DNA Advisory Board to the Federal Bureau of Investigation, September 1, 2011.

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 shall comply with the requirements and procedures to which the division of criminal investigation criminalistics laboratory is subject under this rule.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.7(81) Identification of DNA samples. Each sample of DNA submitted for inclusion in the database shall 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.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.8(81) Storage of DNA samples. Samples of DNA submitted for inclusion in the database shall be stored under normal office conditions.

[**ARC 0219C**, IAB 7/25/12, effective 9/1/12]

661—156.9(81GA,HF619) Disposition of DNA samples. Rescinded **ARC 0219C**, IAB 7/25/12, effective 9/1/12.

661—156.10(81) Expungement of DNA samples.

156.10(1) A person whose DNA record has been included in the database may request expungement of the DNA record from the database based upon the reversal on appeal or dismissal of the case of the person’s conviction, adjudication, or civil commitment that caused the submission of the DNA sample. The request shall be in writing and shall include a certified copy of the final court order reversing the conviction, adjudication, or civil commitment; a certified copy of the dismissal; and any other information necessary to ascertain the validity of the request. The request shall clearly state that it is a request to expunge a record from the DNA database and shall state the specific basis for the request.

A request to expunge the DNA record shall be addressed as follows:

Administrator
Iowa DCI Criminalistics Laboratory
2240 S. Ankeny Boulevard
Ankeny, Iowa 50023-9093

156.10(2) Action on expungement request.

a. The laboratory, upon receipt of a written request that validates reversal on appeal of a person’s conviction, adjudication, or commitment, and subsequent dismissal of the case, or upon receipt of a written request by a person who voluntarily submitted a DNA sample pursuant to Iowa Code section 81.3, subsection 3, paragraph “b,” shall expunge all of the DNA records and identifiable information of the person in the database. The person or the person’s representative shall be notified upon completion of such action.

b. If the division determines that the person is otherwise obligated to submit a DNA sample, the DNA record shall not be expunged.

c. If the division denies an expungement request, the division shall notify the person requesting the expungement of the decision not to expunge the DNA record and the reason supporting the decision. A person whose request to expunge a DNA record from the database is denied may appeal that decision to the commissioner within 30 days of the date of the letter communicating the denial. Appeals shall be treated as requests for contested case proceedings, and such proceedings shall be subject to the provisions of rules 661—10.301(17A) through 661—10.332(17A), except that such requests shall be addressed as follows:

Commissioner, Iowa Department of Public Safety
State Public Safety Headquarters Building
215 East 7th Street
Des Moines, Iowa 50319

156.10(3) A DNA record shall not be expunged pursuant to this rule if expungement or destruction of the DNA record would destroy evidence related to another person.

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These rules are intended to implement 2005 Iowa Acts, House File 619, division I.

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