

Senate Study Bill 3019

Bill Text

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1 1 Section 1. Section [13.10](#), Code 1999, is amended to read as
1 2 follows:

1 3 13.10 PHYSICAL CRIMINAL EVIDENCE DNA PROFILING.

1 4 The attorney general shall adopt rules in consultation with
1 5 the division of criminal investigation, department of public
1 6 safety, for the purpose of classifying felonies and indictable
1 7 misdemeanors which shall require the offender to submit a
1 8 physical specimen for DNA profiling upon confinement in a
1 9 county jail, upon commitment to the director of the department
1 10 of corrections or, as a condition of probation, parole, or
1 11 work release. Factors to be considered shall include the
1 12 deterrent effect of DNA profiling, the likelihood of repeated
1 13 violations, and the seriousness of the offense.
1 14

~~Upon appropriation or receipt of sufficient funds, the
- The~~

1 15 division of criminal investigation shall carry out DNA
1 16 profiling of submitted physical specimens. The division may
1 17 contract with private entities for DNA profiling. "DNA
1 18 profiling" means the procedure established by the division of
1 19 criminal investigation, department of public safety, for
1 20 determining a person's genetic identity.

1 21 Sec. 2. Section [901.2](#), unnumbered paragraph 2, Code
1 22 Supplement 1999, is amended by striking the unnumbered
1 23 paragraph.

1 24 Sec. 3. Section [901.5](#), Code 1999, is amended by adding the
1 25 following new subsection:

1 26 NEW SUBSECTION. 8A. a. The court shall order DNA
1 27 profiling of a defendant convicted of an offense that requires
1 28 profiling under section 13.10.

1 29 b. Notwithstanding section 13.10, the court may order the
1 30 defendant to provide a physical specimen to be submitted for
1 31 DNA profiling if appropriate. In determining the
1 32 appropriateness of ordering DNA profiling, the court shall
1 33 consider the deterrent effect of DNA profiling, the likelihood
1 34 of repeated offenses by the defendant, and the seriousness of
1 35 the offense.

2 1 Sec. 4. Section [906.4](#), unnumbered paragraph 2, Code 1999,
2 2 is amended to read as follows:
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~~Notwithstanding section 13.10, the board may determine if~~

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2 4~~

~~the defendant shall be required to provide a physical specimen~~

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~~to be submitted for DNA profiling as a condition of parole or~~

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~~work release. The board shall consider the deterrent effect~~

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~~of DNA profiling, the likelihood of repeated violations by the~~

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~~offender, and the seriousness of the offense. When funds have~~

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~~been allocated from the general fund of the state, or funds~~

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~~have been provided by other public or private sources, the~~

~~The~~

2 11 board shall order DNA profiling

~~if appropriate~~

~~as a condition~~

2 12 of parole or work release, if the court has not ordered DNA

2 13 profiling under section 901.5, and if the offense requires

2 14 profiling under section 13.10. Notwithstanding section 13.10,

2 15 the board may order the defendant to provide a physical

2 16 specimen to be submitted for DNA profiling as a condition of

2 17 parole or work release, if appropriate. In determining the

2 18 appropriateness of ordering DNA profiling, the board shall

2 19 consider the deterrent effect of DNA profiling, the likelihood

2 20 of repeated offenses by the defendant, and the seriousness of

2 21 the offense.

2 22

EXPLANATION

2 23 This bill relates to DNA testing of certain criminal

2 24 defendants. The bill provides that a defendant shall be

2 25 ordered by the court to submit to a DNA test upon confinement

2 26 in a county jail or prison if the defendant was convicted of

2 27 an offense that requires testing as determined by the attorney

2 28 general. Existing law limits DNA testing as a condition of

2 29 probation, parole, or work release. However, existing law

2 30 provides that the court or parole board may order DNA testing

2 31 of any defendant, if the test is deemed appropriate.

2 32 The bill also requires the court or parole board to order

2 33 DNA testing if the defendant was convicted of an offense

2 34 requiring DNA testing. Existing law permits the court or

2 35 parole board to order DNA testing if sufficient funds are

3 1 available for testing.

3 2 LSB 5105DP 78

3 3 jm/as/5