

# House Study Bill 43

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY  
GENERAL BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act requiring a person convicted of an aggravated misdemeanor  
2 to submit a DNA sample and providing an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1371DP 83  
5 jm/rj/14

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1 1 Section 1. Section 81.2, subsection 1, Code 2009, is  
1 2 amended to read as follows:  
1 3 1. A person who receives a deferred judgment for a felony,  
1 4 ~~aggravated misdemeanor~~, or against whom a judgment or  
1 5 conviction for a felony or aggravated misdemeanor has been  
1 6 entered shall be required to submit a DNA sample for DNA  
1 7 profiling pursuant to section 81.4.  
1 8 Sec. 2. Section 81.10, subsection 1, Code 2009, is amended  
1 9 to read as follows:  
1 10 1. A defendant who has been convicted of a felony or  
1 11 ~~aggravated misdemeanor~~ and who has not been required to submit  
1 12 a DNA sample for DNA profiling may make a motion to the court  
1 13 for an order to require that DNA analysis be performed on  
1 14 evidence collected in the case for which the person stands  
1 15 convicted.  
1 16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 17 3, shall not apply to this Act.  
1 18 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,  
1 19 2010.

### EXPLANATION

1 21 This bill requires a person convicted of an aggravated  
1 22 misdemeanor to submit a DNA sample.  
1 23 The bill requires a person convicted of or who receives a  
1 24 deferred judgment for an offense that is classified as an  
1 25 aggravated misdemeanor to submit a DNA sample for DNA  
1 26 profiling.  
1 27 Current law provides that a person who is convicted of or  
1 28 who receives a deferred judgment for an offense classified as  
1 29 a felony shall submit a DNA sample for DNA profiling.  
1 30 The bill may include a state mandate as defined in Code  
1 31 section 25B.3. The bill makes inapplicable Code section  
1 32 25B.2, subsection 3, which would relieve a political  
1 33 subdivision from complying with a state mandate if funding for  
1 34 the cost of the state mandate is not provided or specified.  
1 35 Therefore, political subdivisions are required to comply with  
2 1 any state mandate included in the bill.  
2 2 The bill takes effect January 1, 2010.  
2 3 LSB 1371DP 83  
2 4 jm/rj/14