

Senate File 97 - Introduced

SENATE FILE _____
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1034)

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 1371SV 83
5 jm/rj/14

PAG LIN

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