

Senate Study Bill 3028 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC SAFETY BILL)

A BILL FOR

- 1 An Act requiring an aggravated misdemeanant to submit a DNA
- 2 sample and including effective date provisions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 81.2, subsection 1, Code 2011, is amended
2 to read as follows:

3 1. A person who receives a deferred judgment for a
4 felony, aggravated misdemeanor, or against whom a judgment or
5 conviction for a felony or aggravated misdemeanor has been
6 entered shall be required to submit a DNA sample for DNA
7 profiling pursuant to section 81.4.

8 Sec. 2. Section 81.10, subsection 1, Code 2011, is amended
9 to read as follows:

10 1. A defendant who has been convicted of a felony or
11 aggravated misdemeanor and who has not been required to submit
12 a DNA sample for DNA profiling may make a motion to the court
13 for an order to require that DNA analysis be performed on
14 evidence collected in the case for which the person stands
15 convicted.

16 Sec. 3. IMPLEMENTATION OF ACT. Section 25B.2, subsection
17 3, shall not apply to this Act.

18 Sec. 4. EFFECTIVE DATE. This Act takes effect January 1,
19 2013.

20 EXPLANATION

21 This bill requires an aggravated misdemeanant to submit a
22 DNA sample.

23 The bill requires a person convicted of or who receives
24 a deferred judgment for an offense that is classified as
25 an aggravated misdemeanor to submit a DNA sample for DNA
26 profiling.

27 Current law provides that a person who is convicted of or
28 who receives a deferred judgment for an offense classified as a
29 felony shall submit a DNA sample for DNA profiling.

30 The bill may include a state mandate as defined in Code
31 section 25B.3. The bill makes inapplicable Code section 25B.2,
32 subsection 3, which would relieve a political subdivision from
33 complying with a state mandate if funding for the cost of
34 the state mandate is not provided or specified. Therefore,
35 political subdivisions are required to comply with any state

S.F. _____ H.F. _____

1 mandate included in the bill.

2 The bill takes effect January 1, 2013.