

**Senate Study Bill 1028 - Introduced**

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

**A BILL FOR**

1 An Act requiring a person convicted of or receiving a deferred  
2 judgment for an aggravated misdemeanor to submit a DNA  
3 sample and including effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 81.2, subsection 1, Code 2013, is amended  
2 to read as follows:

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

8 Sec. 2. Section 81.10, subsection 1, Code 2013, 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 July 1, 2014.

19 EXPLANATION

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

23 This 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 The bill allows a defendant convicted of an aggravated  
28 misdemeanor and who has not been required to submit a DNA  
29 sample to move the court to order DNA profiling of evidence  
30 collected in the defendant's case.

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

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 political subdivisions are required to comply with any state  
2 mandate included in the bill.

3 The bill takes effect July 1, 2014.