

**House File 441 - Introduced**

HOUSE FILE 441  
BY BAGNIEWSKI

(COMPANION TO SF 70 BY  
PETERSEN)

**A BILL FOR**

1 An Act relating to sexual abuse evidence collection kits.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 709.10, subsections 1, 4, 5, 6, 8, 9, and  
2 13, Code 2023, are amended to read as follows:

3 1. As used in [this section](#):

4 a. "DNA" means deoxyribonucleic acid.

5 b. "DNA profile" means the objective form of the results of  
6 DNA analysis performed on a forensic sample or an individual's  
7 DNA sample. The results of all DNA identification analysis on  
8 an individual's DNA sample are also collectively referred to  
9 as the DNA profile of an individual. "DNA profile" also means  
10 the objective form of the results of DNA analysis performed on  
11 a forensic sample.

12 c. "DNA profiling" means the procedure for determining a  
13 person's genetic identity or for testing a forensic sample,  
14 including analysis that might not result in the establishment  
15 of a complete DNA profile.

16 d. "DNA sample" means a biological sample provided by  
17 any person required to submit a DNA sample or a DNA sample  
18 submitted for any other purpose.

19 ~~a.~~ e. "Forensic medical examination" means a sexual abuse  
20 examination by a health care provider for the purpose of  
21 gathering and preserving evidence of sexual abuse.

22 ~~b.~~ f. "Kit" means a sexual abuse evidence collection kit  
23 that includes a human biological specimen collected by a health  
24 care provider during a forensic medical examination.

25 ~~c.~~ g. "Kit tracking system" means the automated sexual  
26 abuse evidence collection kit tracking system established  
27 pursuant to [section 915.53](#).

28 ~~d.~~ h. "Laboratory" means the state criminalistics  
29 laboratory or similar qualified laboratory.

30 ~~e.~~ i. "Law enforcement agency" means any governmental  
31 agency that investigates persons suspected of or charged with  
32 a sex abuse crime. "Law enforcement agency" also includes  
33 any governmental agency that collects, stores, processes,  
34 transmits, or disseminates analysis of evidence collected in  
35 connection with a sexual abuse related crime.

1 j. "National DNA index system" means a national, searchable  
2 DNA database created and maintained by the federal bureau of  
3 investigation where DNA profiles are stored and searched at a  
4 local, state, or national level.

5 k. "State DNA index system" means a state searchable DNA  
6 database created and maintained by the department of public  
7 safety where DNA profiles are stored and searched at the state  
8 level.

9 4. When a reported victim of sexual abuse consents  
10 to undergo a forensic medical examination and to having  
11 the evidence from the examination preserved, the health  
12 care provider conducting the forensic medical examination  
13 shall utilize a kit. The health care provider conducting  
14 the forensic medical examination shall contact the law  
15 enforcement agency under whose jurisdiction the sexual abuse  
16 offense occurred within ~~forty-eight~~ twenty-four hours after  
17 the evidence was collected from a victim to notify the law  
18 enforcement agency to collect and store the kit. The health  
19 care provider shall document which law enforcement agency  
20 the kit is transferred to in the kit tracking system within  
21 forty-eight hours of collection of the evidence.

22 5. The law enforcement agency collecting the evidence shall  
23 obtain the kit from a health care provider within three days of  
24 receiving notification by a health care provider that evidence  
25 has been collected from a victim and properly store the kit to  
26 ensure the chain of custody is complete and sufficient. The  
27 law enforcement agency shall document receipt of the kit from  
28 the health care provider in the kit tracking system within  
29 seventy-two hours of obtaining the kit.

30 6. The law enforcement agency shall store the kit in a  
31 clean, dry location for a minimum of ~~fifteen~~ fifty years, or  
32 in the case of a minor victim for a minimum of ~~fifteen~~ fifty  
33 years after the minor reaches the age of majority, even if  
34 the reported victim of sexual abuse has not filed a criminal  
35 complaint.

1     8. The law enforcement agency shall transfer a kit to  
2 a laboratory for analysis within seven days of receiving a  
3 kit from a health care provider. The law enforcement agency  
4 transferring a kit to a laboratory for analysis shall document  
5 the transfer of the kit in the kit tracking system within  
6 seventy-two hours of transferring the kit.

7     9. a. The laboratory receiving a kit from a law enforcement  
8 agency shall conduct an analysis of the evidence collected from  
9 a victim's forensic medical examination within thirty days of  
10 receipt of the kit. The laboratory shall document receipt of  
11 the kit in the kit tracking system within seventy-two hours of  
12 logging the kit into its evidence management system.

13     b. The laboratory shall conduct testing to develop a DNA  
14 profile that is eligible for entry into the national DNA  
15 index system and the state DNA index system. If a complete  
16 DNA profile is not established from the DNA sample, the  
17 laboratory shall evaluate the evidence collected in the kit to  
18 determine if any other DNA profiling results can be used for  
19 investigative purposes.

20     c. In cases where the testing results in a DNA profile, the  
21 laboratory shall enter the DNA profile into the national DNA  
22 index system and the state DNA index system.

23     d. If the laboratory is unable to meet the analysis  
24 and documentation time requirements in paragraph "a", the  
25 laboratory shall transfer an untested kit to an accredited  
26 private crime laboratory.

27     13. If a reported victim does not want the victim's name  
28 recorded on the kit, the kit shall be deemed an anonymous kit  
29 and a case number or the number assigned to the kit by the  
30 kit tracking system shall be used in place of the name of the  
31 reported victim and entered into the kit tracking system by the  
32 health care provider within forty-eight hours of receipt of  
33 the kit. An anonymous kit shall not be submitted for analysis  
34 until a victim has provided law enforcement with a criminal  
35 report and has consented to an analysis of the evidence

1 collected from the victim's forensic medical examination.  
2 A law enforcement agency in possession of an anonymous kit  
3 may dispose of the kit thirty days after the ~~fifteen-year~~  
4 fifty-year retention period required under [subsection 6](#).

5 EXPLANATION

6 The inclusion of this explanation does not constitute agreement with  
7 the explanation's substance by the members of the general assembly.

8 This bill relates to sexual abuse evidence collection kits.

9 The bill provides that a health care provider conducting  
10 a forensic medical examination and utilizing a sexual abuse  
11 evidence collection kit (kit) shall contact the law enforcement  
12 agency under whose jurisdiction the sexual abuse offense  
13 occurred within 24 hours after the evidence was collected from  
14 a victim to notify the law enforcement agency to collect and  
15 store the kit.

16 The bill provides that the law enforcement agency collecting  
17 the evidence shall obtain the kit from a health care provider  
18 within three days of receiving notification from a health care  
19 provider that evidence has been collected from a victim.

20 The bill provides that a law enforcement agency shall store a  
21 kit for a minimum of 50 years, or in the case of a minor victim  
22 for a minimum of 50 years after the minor reaches the age of  
23 majority, even if the reported victim of sexual abuse has not  
24 filed a criminal complaint.

25 The bill provides that a law enforcement agency shall  
26 transfer a kit to a laboratory for analysis within 7 days of  
27 obtaining a kit from a health care provider, and that the  
28 laboratory receiving a kit from a law enforcement agency shall  
29 conduct an analysis of the evidence collected from a victim's  
30 forensic medical examination within 30 days of receipt of the  
31 kit.

32 The laboratory shall conduct testing to develop a DNA  
33 profile that is eligible for entry into the national DNA index  
34 system and the state DNA index system. If a complete DNA  
35 profile is not established from the DNA sample, the laboratory

1 shall evaluate the case to determine if any other DNA profiling  
2 results can be used for investigative purposes. In cases where  
3 the testing results in a DNA profile, the laboratory shall  
4 enter the full profile into the national DNA index system and  
5 the state DNA index system. If the laboratory is unable to  
6 meet the analysis and documentation time requirements, the  
7 laboratory shall transfer an untested kit to an accredited  
8 private crime laboratory.

9     The bill provides that a law enforcement agency in  
10 possession of an anonymous kit may dispose of the kit 30 days  
11 after the 50-year retention period required for other kits.