

House File 2624 - Introduced

HOUSE FILE 2624
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 571)

A BILL FOR

1 An Act relating to criminal investigation, including the
2 extension of DNA submission requirements to persons arrested
3 for a felony or aggravated misdemeanor.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 81.1, subsection 12, Code 2026, is amended
2 to read as follows:

3 12. "Person required to submit a DNA sample" means a person
4 arrested, convicted, adjudicated delinquent, receiving a deferred
5 judgment, or found not guilty by reason of insanity of an offense
6 requiring DNA profiling pursuant to section 81.2. "Person
7 *required to submit a DNA sample*" also means a person determined
8 to be a sexually violent predator pursuant to section 229A.7.

9 Sec. 2. Section 81.2, subsections 1 and 5, Code 2026, are
10 amended to read as follows:

11 1. A person who is arrested for a felony or aggravated
12 misdemeanor or who receives a deferred judgment for a felony or
13 against whom a judgment or conviction for a felony or aggravated
14 misdemeanor has been entered shall be required to submit a DNA
15 sample for DNA profiling pursuant to section 81.4.

16 5. An offender placed on probation shall immediately report
17 to the judicial district department of correctional services
18 after sentencing so it can be determined if the offender has been
19 arrested or convicted of an offense requiring DNA profiling. If
20 it is determined by the judicial district that DNA profiling is
21 required, the offender shall immediately submit a DNA sample.

22 Sec. 3. Section 81.2, Code 2026, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 7. A sample is not required pursuant to this
25 section if it is determined that a sample has previously been
26 taken, is in the possession of the DNA database or DNA data bank
27 established pursuant to section 81.3, and has not been expunged
28 pursuant to section 81.9.

29 Sec. 4. Section 81.9, Code 2026, is amended to read as
30 follows:

31 **81.9 Expungement of DNA records.**

32 1. A person whose DNA record has been included in the
33 DNA database or DNA data bank established pursuant to section
34 81.3 ~~may request, in writing to the division of criminal~~
35 ~~investigation, expungement of the DNA record from the DNA~~

1 ~~database and DNA data bank based upon the~~ shall have the person's
2 DNA record automatically expunged within thirty days of the
3 occurrence of either of the following:

4 a. The person's conviction, adjudication, or civil commitment
5 which that caused the submission of the DNA sample being reversed
6 on appeal and the case dismissed. The written request shall
7 contain a certified copy of the final court order reversing the
8 conviction, adjudication, or civil commitment, and a certified
9 copy of the dismissal, and any other information necessary to
10 ascertain the validity of the request.

11 b. The person's arrest that led to the inclusion of the DNA
12 sample in the DNA database or DNA data bank has resulted in an
13 aggravated misdemeanor or felony charge that has been resolved
14 by dismissal or acquittal, or the failure to file an aggravated
15 misdemeanor or felony charge within one year of arrest.

16 2. ~~The division of criminal investigation, upon receipt~~
17 ~~of a written request that validates reversal on appeal of a~~
18 ~~person's conviction, adjudication, or commitment, and subsequent~~
19 ~~dismissal of the case, or upon receipt of a written request~~
20 ~~by a person who voluntarily submitted a DNA sample pursuant~~
21 ~~to section 81.3, subsection 3, paragraph "b" being notified~~
22 ~~that a person's DNA record is eligible for expungement under~~
23 ~~subsection 1, paragraph "a" or "b", shall expunge all of the DNA~~
24 ~~records and identifiable information of the person in the DNA~~
25 ~~database and DNA data bank. However, if the division of criminal~~
26 ~~investigation determines that the person is otherwise obligated~~
27 ~~to submit a DNA sample, the DNA records shall not be expunged.~~
28 ~~If the division of criminal investigation denies an expungement~~
29 ~~request, the division shall notify the person requesting the~~
30 ~~expungement of the decision not to expunge the DNA record and~~
31 ~~the reason supporting its decision. The division of criminal~~
32 ~~investigation decision is subject to judicial review pursuant to~~
33 ~~chapter 17A. The department of public safety shall adopt rules~~
34 ~~governing the expungement procedure and a review process.~~

35 3. The division of criminal investigation is not required

1 to expunge or destroy a DNA record pursuant to this section,
2 if expungement or destruction of the DNA record would destroy
3 evidence related to another person, or investigation.

4 EXPLANATION

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

7 This bill relates to criminal investigations. The bill
8 extends DNA submission requirements to persons arrested for a
9 felony or aggravated misdemeanor.

10 Current law requires a person who receives a deferred judgment
11 for a felony or against whom a judgment or conviction for a
12 felony or aggravated misdemeanor has been entered to submit a DNA
13 sample for DNA profiling.

14 The bill provides that a person who is arrested for a felony
15 or aggravated misdemeanor, or who receives a deferred judgment
16 for a felony or against whom a judgment or conviction for a
17 felony or aggravated misdemeanor has been entered, shall be
18 required to submit a DNA sample for DNA profiling pursuant to
19 Code section 81.4.

20 The bill provides that a sample is not required if it is
21 determined that a sample has previously been taken, is in the
22 possession of the DNA database or DNA data bank, and has not been
23 expunged.

24 The bill provides that a person whose DNA record has been
25 included in the DNA database or DNA data bank shall have the
26 person's DNA record automatically expunged within 30 days if:
27 the person's conviction, adjudication, or civil commitment is
28 reversed on appeal and the case is dismissed; or the person's
29 arrest resulted in an aggravated misdemeanor or felony charge
30 that has been resolved by dismissal or acquittal, or the case was
31 not filed within a year.