

House File 356 - Introduced

HOUSE FILE 356
BY BAGNIEWSKI

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:

unofficial

1 Section 1. Section 709.10, subsections 1, 4, 5, 6, 8, 9, and
2 13, Code 2025, 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 as
9 the DNA profile of an individual. "DNA profile" also means the
10 objective form of the results of DNA analysis performed on a
11 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 of
15 a complete DNA profile.

16 d. "DNA sample" means a biological sample provided by any
17 person required to submit a DNA sample or a DNA sample submitted
18 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 abuse
26 evidence collection kit tracking system established pursuant to
27 section 915.53.

28 ~~d.~~ h. "Laboratory" means the state criminalistics laboratory
29 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 any
33 governmental agency that collects, stores, processes, transmits,
34 or disseminates analysis of evidence collected in connection with
35 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 to undergo
10 a forensic medical examination and to having the evidence from
11 the examination preserved, the health care provider conducting
12 the forensic medical examination shall utilize a kit. The
13 health care provider conducting the forensic medical examination
14 shall contact the law enforcement agency under whose jurisdiction
15 the sexual abuse offense occurred within ~~forty-eight~~ twenty-four
16 hours after the evidence was collected from a victim to notify
17 the law enforcement agency to collect and store the kit. The
18 health care provider shall document which law enforcement agency
19 the kit is transferred to in the kit tracking system within
20 forty-eight hours of collection of the evidence.

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

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

34 8. The law enforcement agency shall transfer a kit to a
35 laboratory for analysis within seven days of receiving a kit from

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

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

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

18 c. In cases in which the testing results in a DNA profile,
19 the laboratory shall enter the DNA profile into the national DNA
20 index system and the state DNA index system.

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

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

1 days after the ~~fifteen-year~~ fifty-year retention period required
2 under subsection 6.

3 EXPLANATION

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

6 This bill relates to sexual abuse evidence collection kits.

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

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

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

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

28 The laboratory shall conduct testing to develop a DNA profile
29 that is eligible for entry into the national DNA index system
30 and the state DNA index system. If a complete DNA profile
31 is not established from the DNA sample, the laboratory shall
32 evaluate the case to determine if any other DNA profiling results
33 can be used for investigative purposes. In cases where the
34 testing results in a DNA profile, the laboratory shall enter
35 the full profile into the national DNA index system and the

1 state DNA index system. If the laboratory is unable to meet
2 the analysis and documentation time requirements, the laboratory
3 shall transfer an untested kit to an accredited private crime
4 laboratory.

5 The bill provides that a law enforcement agency in possession
6 of an anonymous kit may dispose of the kit 30 days after the
7 50-year retention period required for other kits.

unofficial