

Senate Study Bill 3088 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

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, and making
4 appropriations to support the investigation of cold cases.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
DNA PROFILING

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

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

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

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

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

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

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

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

81.9 Expungement of DNA records.

1. A person whose DNA record has been included in the DNA database or DNA data bank established pursuant to section

1 81.3 may request, in writing to the division of criminal
2 investigation, expungement of the DNA record from the DNA
3 database and DNA data bank based upon ~~the~~ either of the
4 following:

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

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

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

1 process.

2 3. The division of criminal investigation is not required
3 to expunge or destroy a DNA record pursuant to this section,
4 if expungement or destruction of the DNA record would destroy
5 evidence related to another person, or investigation.

6 DIVISION II

7 STANDING APPROPRIATION — COLD CASES

8 Sec. 5. NEW SECTION. **13.12A Standing appropriation — cold**
9 **cases.**

10 For the fiscal year beginning July 1, 2026, and for
11 each fiscal year thereafter, there is appropriated from the
12 general fund of the state to the department of justice six
13 hundred thousand dollars for the purposes of investigation and
14 prosecution of cold cases.

15 EXPLANATION

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

18 This bill relates to criminal investigations. The bill
19 extends DNA submission requirements to persons arrested for
20 a felony or aggravated misdemeanor, and provides a standing
21 appropriation to support the investigation of cold cases.

22 DIVISION I. Current law requires a person who receives a
23 deferred judgment for a felony or against whom a judgment or
24 conviction for a felony or aggravated misdemeanor has been
25 entered to submit a DNA sample for DNA profiling.

26 The bill provides that a person who is arrested for a felony
27 or aggravated misdemeanor, or who receives a deferred judgment
28 for a felony or against whom a judgment or conviction for a
29 felony or aggravated misdemeanor has been entered, shall be
30 required to submit a DNA sample for DNA profiling pursuant to
31 Code section 81.4.

32 The bill provides that a sample is not required if it is
33 determined that a sample has previously been taken, is in the
34 possession of the DNA database or DNA data bank, and has not been
35 expunged.

1 The bill adds that a person may request expungement of the
2 person's DNA record from the DNA database and DNA data bank
3 if the person's arrest that led to the inclusion of the DNA
4 sample in the DNA database or DNA data bank has resulted in an
5 aggravated misdemeanor or felony charge that has been resolved
6 by dismissal or acquittal, or the failure to file an aggravated
7 misdemeanor or felony charge within one year of arrest.

8 DIVISION II. The bill provides a \$600,000 standing
9 appropriation from the general fund of the state to the
10 department of justice each fiscal year beginning July 1, 2026,
11 for investigation and prosecution of cold cases.

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