

**CHAPTER 1080**

## DNA PROFILING OF CRIMINAL DEFENDANTS

H.F. 2201

**AN ACT** requiring all felons to submit a physical specimen for DNA profiling, and providing a contingent effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. 80.40 DNA PROFILING.

The division of criminal investigation shall conduct DNA profiling of submitted physical specimens as ordered under section 901.5 or 906.4. The division of criminal investigation may contract with private entities for DNA profiling. "DNA profiling" means the procedure established by the division of criminal investigation for determining a person's genetic identity through the analysis of a person's deoxyribonucleic acid. The division of criminal investigation shall share the DNA profiling information with the appropriate federal agencies for use in a national database.

Sec. 2. Section 901.5, subsection 8A, Code Supplement 2001, is amended to read as follows:

8A. a. ~~The Pursuant to section 902.13, the court shall order DNA profiling, as defined in section 80.40, of a defendant convicted of an offense that requires profiling under section 13.10 a felony or of a defendant convicted of an aggravated misdemeanor pursuant to section 709.11.~~

b. ~~Notwithstanding section 13.10, the~~ The court may order ~~the a~~ defendant not subject to DNA profiling under paragraph "a" to provide a physical specimen to be submitted for the DNA profiling if appropriate. In determining the appropriateness of ordering DNA profiling, the court shall consider the deterrent effect of DNA profiling, the likelihood of repeated offenses by the defendant, and the seriousness of the offense.

Sec. 3. NEW SECTION. 902.13 DNA PROFILING — FELONIES.

A person against whom a judgment of conviction for a felony has been entered shall submit a physical specimen for DNA profiling, as defined in section 80.40, after the person has been committed to the custody of the director of the department of corrections or upon assignment to a judicial district department of correctional services. If the person is confined in a county jail as a result of a felony conviction under section 321J.2, the person shall submit a physical specimen for DNA profiling prior to release from the county jail. The division of criminal investigation of the department of public safety shall conduct DNA profiling of submitted specimens as provided in section 80.40.

Sec. 4. Section 906.4, unnumbered paragraph 2, Code 2001, is amended to read as follows: ~~Notwithstanding section 13.10, the~~ The board may shall order the defendant to provide a physical specimen to be submitted for DNA profiling, as defined in section 80.40, as a condition of parole or work release, if appropriate. ~~In determining the appropriateness of ordering DNA profiling, the board shall consider the deterrent effect of DNA profiling, the likelihood of repeated offenses by the defendant, and the seriousness of the offense~~ unless the defendant has previously provided a physical specimen for DNA profiling pursuant to section 901.5 or 902.13 and the DNA profile developed from the previously submitted specimen remains available for use.

Sec. 5. Section 13.10, Code 2001, is repealed.

Sec. 6. CONTINGENT EFFECTIVE DATE. The effective date of this Act shall be the later of July 1, 2002, or on the date when sufficient funds have been appropriated or are first re-

ceived to pay the costs of complying with this Act. The commissioner of public safety shall notify the Code editor when sufficient funds have been appropriated or are first received to pay the costs of complying with this Act. The department of public safety, the department of corrections, and the counties shall comply with section 13.10 until the effective date of this Act.

Approved April 5, 2002

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## CHAPTER 1081

### CASE PERMANENCY PLANS — FOSTER CHILDREN AGED SIXTEEN OR OLDER

*H.F. 2399*

**AN ACT** relating to the requirements of a case permanency plan for a child in an out-of-home placement who is age sixteen or older.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 232.2, subsection 4, paragraph f, Code Supplement 2001, is amended to read as follows:

f. When a child is sixteen years of age or older, a written plan of services which, based upon an assessment of the child's needs, would assist the child in preparing for the transition from foster care to independent living. The written plan of services and needs assessment shall be developed with any person who may reasonably be expected to be a service provider for the child when the child becomes an adult or to become responsible for the costs of services at that time, including but not limited to the administrator of county general relief under chapter 251 or 252 or of the single entry point process implemented under section 331.440. If the child is interested in pursuing higher education, the plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.

Sec. 2. Section 232.52, subsection 6, unnumbered paragraph 2, Code Supplement 2001, is amended to read as follows:

When the court orders the transfer of legal custody of a child pursuant to subsection 2, paragraph "d", and the child is sixteen years of age or older, the order shall specify the services needed to assist the child in preparing for the transition from foster care to independent living. If the child has a case permanency plan, the court shall consider the written plan of services and needs assessment developed for the child's case permanency plan. If the child does not have a case permanency plan containing the written plan and needs assessment at the time the transfer order is entered, in determining the services to be specified in the order, the court shall consider a written plan for such services and a needs assessment which shall be developed with any person who may reasonably be expected to be a service provider for the child or to become responsible for the costs of services at that time, including but not limited to the administrator of county general relief under chapter 251 or 252 or of the single entry point process implemented under section 331.440. If the child is interested in pursuing higher education, the plan shall provide for the child's participation in the college student aid commission's program of assistance in applying for federal and state aid under section 261.2.