

Lawfully Owed DNA Iowa

Last Updated: April 2023

Arrest

Question	Answer
Does the law require a DNA sample to be collected from an individual when they are arrested for a crime?	No.
What crimes require collection of a DNA sample at arrest?	N/A
Does the law mandate when the DNA sample must be collected after arrest?	N/A
What agency collects the arrest DNA sample?	N/A
What agency manages the analysis and preservation in the DNA database?	N/A
Can the arrest DNA sample be expunged?	N/A
Statutes	N/A

Conviction

Question	Answer
Does the law require a DNA sample to be collected from the defendant when they are convicted of a crime?	Yes.
What convictions require collection of a DNA sample?	Felonies (including deferred judgment for felonies), and “aggravated misdemeanors”(with certain specified aggravated misdemeanors excepted, such as those under the motor vehicles laws, hazardous waste offenses, offenses relating to agricultural production, and gaming and betting offenses); a person determined to be a sexually violent predator prior to discharge or placement in a transitional release program; a person found not guilty by reason of insanity of an offense requiring a DNA sample; a juvenile adjudicated delinquent of an offense to which an adult offender would be required to submit a DNA sample; a person required to register as a sex offender In criminal offenses “if appropriate”

Does the law require DNA collection when a defendant is found not guilty by reason of insanity/mental defect/illness?	Yes. A person found not guilty by reason of insanity of an offense that requires DNA profiling shall be required to submit a DNA sample for DNA profiling as part of the person's treatment management program.
Does the law mandate when the DNA sample must be collected after conviction?	The supervising agency shall collect DNA upon admittance to the pertinent institution or facility. If the person required to submit a DNA sample is confined at the time a DNA sample is required, the person shall submit a DNA sample as soon as practicable. If the person is not confined, the supervising agency shall determine the date and time to collect the DNA sample.
What agency collects the DNA sample after conviction?	The supervising agency shall collect DNA upon admittance to the pertinent institution or facility. If the person required to submit a DNA sample is confined at the time a DNA sample is required, the person shall submit a DNA sample as soon as practicable. If the person is not confined, the supervising agency shall determine the date and time to collect the DNA sample.
What agency manages the analysis and preservation in the DNA database?	Department of Public Safety, Division of Criminal Investigation
Can the conviction DNA sample be expunged?	Upon written request to the Division of Criminal Investigation, with certified copy of final court order reversing the conviction, adjudication, or civil commitment that required submission of the sample, and certified copy of the dismissal The division of criminal investigation is not required to expunge or destroy a DNA record, if expungement or destruction of the DNA record would destroy evidence related to another person
Statutes	Iowa Code Title III § 81.1 Definitions ("Aggravated misdemeanor") § 81.2 Persons Required to Submit a DNA Sample § 81.4 Collecting, Submitting, Analyzing, Identifying, and Storing DNA Samples and DNA Records § 81.9 Expungement of DNA Records Iowa Code Title XVI § 901.5 Pronouncing Judgment and Sentence Case Law: <i>Schrieber v. State</i>, 666 N.W.2d 127 (2003) (holding statute is not unconstitutional on ex post facto grounds because the underlying purpose of requiring inmates to submit DNA is to promote public safety rather than punish inmates).