

SUPREME COURT OF IOWA

Benjamin E. Schreiber, Gentric Hicks, Bobby Smith, and Archie Bear
v. State of Iowa

666 N.W.2d 127 (Iowa 2003) · No. No. 01-1192 · Decided July 16, 2003

SUMMARY

The Iowa Supreme Court upheld Iowa Code section 13.10, which requires certain offenders to provide DNA specimens for profiling, against ex post facto and equal protection challenges. The court concluded that the statute is remedial and intended to promote public safety rather than impose additional punishment. The petitioners' First Amendment and federal religious-freedom claims were deemed waived because they were not raised below, and the dismissal of their petition was affirmed.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Larson, Justice
JURISDICTION	Iowa
DECIDED	July 16, 2003
DOCKET	No. 01-1192
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from dismissal of a judicial-review petition challenging the constitutionality of Iowa's mandatory DNA testing statute.
STANDARD OF REVIEW	De novo review of constitutional issues and review of the dismissal ruling as a matter of law.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Benjamin E. Schreiber, Gentric Hicks, Bobby Smith, Archie Bear v. State of Iowa

TOPICS

- ex post facto
- equal protection
- constitutional law
- criminal procedure
- appellate procedure

PRACTICE AREAS

- constitutional law
- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether applying Iowa Code section 13.10 to inmates who were incarcerated before the statute's enactment violates the ex post facto clauses of the United States and Iowa Constitutions.
2. Whether the DNA-testing statute violates equal protection.
3. Whether the petitioners' First Amendment free-exercise and federal statutory religious-freedom arguments were preserved for appellate review.

HOLDINGS

1. Iowa Code section 13.10 is remedial and nonpunitive; applying it to inmates incarcerated before its enactment does not violate the ex post facto clauses of the United States or Iowa Constitutions.
2. The petitioners' equal-protection challenge fails; the court rejected the argument and noted that rational-basis scrutiny had been applied by other courts to comparable DNA-testing classifications.
3. The petitioners waived their First Amendment and federal statutory religious-freedom arguments by failing to raise them in the district court.

KEY QUOTATIONS

“We must ascertain whether the legislature meant the statute to establish civil proceedings. If the intention of the legislature was to impose punishment, that ends the inquiry. If, however, the intention was to enact a regulatory scheme that is civil and nonpunitive, we must further examine whether the statutory scheme is so punitive either in purpose or effect as to negate the State's intention to deem it civil.” (129)

“We conclude the purpose of section 13.10 is remedial, not punitive, and does not violate the Equal Protection Clauses of either the federal or state constitution.” (130)

FACTUAL BACKGROUND

The petitioners were inmates at the Iowa State Penitentiary when they filed their challenge. Iowa Code section 13.10 requires inmates convicted of specified offenses to provide a blood specimen for DNA profiling upon confinement, commitment, release, discharge, or as a condition of probation. The statute was enacted after the petitioners' incarcerations, and they argued that its application violated constitutional ex post facto protections, equal protection, and religious-freedom protections.

PROCEDURAL HISTORY

The petitioners, Iowa prison inmates, filed a December 2000 petition for judicial review challenging Iowa Code section 13.10, which requires certain offenders to submit specimens for DNA profiling. The district court granted the State's motion to dismiss. The petitioners appealed, and the Supreme Court of Iowa affirmed.

DISPOSITION

affirmed

CASES CITED

- Roe v. Marcotte, 193 F.3d 72, 82 (2d Cir. 1999)
- Gaines v. State, 116 Nev. 359, 998 P.2d 166, 174 (2000)
- State v. Olivas, 122 Wash. 2d 73, 856 P.2d 1076, 1087 (1993)
- Beazell v. Ohio, 269 U.S. 167, 169-70 (1925)
- State v. Corwin, 616 N.W.2d 600, 601 (Iowa 2000)
- State v. Pickens, 558 N.W.2d 396, 398, 400 (Iowa 1997)
- De Veau v. Braisted, 363 U.S. 144, 160 (1960)
- Smith v. Doe, 538 U.S. 84, 92-96 (2003)
- Shaffer v. Saffle, 148 F.3d 1180, 1182 (10th Cir. 1998)
- Rise v. Oregon, 59 F.3d 1556 (9th Cir. 1995)
- Gilbert v. Peters, 55 F.3d 237, 239 (7th Cir. 1995)
- Jones v. Murray, 962 F.2d 302, 310 (4th Cir. 1992)

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