

SENATE BILL 257

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 35, Part 3, relative to collecting  
specimens for DNA analysis.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-321, is amended by adding  
the following as a new subsection:

(f)

(1) When a person is arrested on or after January 1, 2012, and charged with the commission of any felony, the person shall have a biological specimen taken for the purpose of DNA analysis to determine identification characteristics specific to the person as defined in subsection (a). After the person is arrested, but prior to the person's release from custody on bail or otherwise, the arresting authority shall take the sample using a buccal swab collection kit for DNA testing. The biological specimen shall be collected by the arresting authority in accordance with the uniform procedures established by the Tennessee bureau of investigation, pursuant to § 38-6-113 and shall be forwarded by the arresting authority to the Tennessee bureau of investigation, which shall maintain the sample as provided in § 38-6-113. The court or magistrate shall make the provision of a specimen a condition of the person's release on bond or recognizance if bond or recognizance is granted.

(2) The clerk of the court in which the charges against a person described in subdivision (f)(1) are disposed of shall notify the Tennessee bureau of investigation of final disposition of the criminal proceedings. If the charge for which the sample was taken is dismissed or the defendant is acquitted at trial,

the bureau shall destroy the sample and all records of the sample. If the defendant is not convicted of the charged offense but is convicted of a lesser included offense that is a felony, the sample and all records of the sample shall not be destroyed. If the charge for which the sample was taken is dismissed or the defendant is acquitted at trial but the defendant has a pending qualifying warrant for arrest or *capias*, or if the defendant is convicted of another felony, all records of the sample shall not be destroyed

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.