

HOUSE BILL 104

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 38,
Chapter 6 and Title 39, Chapter 13, Part 5, relative
to forensic evidence.

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by
adding the following as a new section:

(a) As used in this section, "sexual assault evidence collection kit" has the same
meaning as defined in § 39-13-519.

(b) Beginning January 1, 2024, the Tennessee bureau of investigation shall
perform serology and deoxyribonucleic acid (DNA) analysis on a sexual assault
evidence collection kit within thirty (30) days of the bureau's receipt of the sexual assault
evidence collection kit from a law enforcement agency.

(c) Within forty-five (45) days of the effective date of this act, the bureau shall
submit to the governor, the attorney general and reporter, the speaker of the house of
representatives, the speaker of the senate, and the district attorneys general conference
a plan for eliminating any existing backlog of sexual assault evidence collection kits that
have been in the possession of the bureau for more than thirty (30) days and are waiting
for analysis. The plan must include a listing of resources necessary for the bureau's
compliance with this section and a timeline for analysis of sexual assault evidence
collection kits currently in the bureau's possession such that any backlog is eliminated by
January 1, 2024.

(d)

(1) If the bureau receives written confirmation from the investigating law enforcement agency or district attorney general's office that a DNA record that has been uploaded by the bureau into a local, state, or national DNA database was not connected to a criminal investigation, then the bureau shall expunge the DNA record from the DNA database. The bureau shall provide written confirmation to the submitting law enforcement agency or district attorney general's office verifying the expunction of the DNA record.

(2) The failure to expunge a DNA record or strictly comply with subdivision (d)(1) is not grounds for challenging the validity of a database match or database information, or for exclusion of evidence based upon or derived from the DNA record.

SECTION 2. The Tennessee bureau of investigation is authorized to promulgate rules to effectuate this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.