

HOUSE BILL 341

By Gillespie

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 3, relative to collection of biological 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(d)(1), is amended by adding the following language immediately after the fifth sentence:

The biological specimen must be gathered within thirty (30) days of sentencing or, if the person's term of incarceration is less than thirty (30) days, before completion of the person's term of incarceration.

SECTION 2. Tennessee Code Annotated, Section 40-35-321(d)(2), is amended by deleting the subdivision and substituting:

(2) If a person convicted of any felony offense or any applicable misdemeanor offense and committed to the custody of the commissioner of correction for a term of imprisonment or sentenced to a period of confinement in a county jail or workhouse has not provided a biological specimen for the purpose of DNA analysis, then the commissioner or the chief administrative officer of a local jail shall order the person to provide a biological specimen for the purpose of DNA analysis within thirty (30) days of sentencing or, if the person's term of incarceration is less than thirty (30) days, before completion of the person's term of imprisonment. The approved agency or entity collecting the biological specimen shall forward the biological specimen to the Tennessee bureau of investigation, which shall maintain it as provided in § 38-6-113.

SECTION 3. Tennessee Code Annotated, Section 40-35-321, is amended by adding the following new subsections:

(f) A law enforcement agency, including the Tennessee department of correction, may submit to the Tennessee bureau of investigation any lawfully obtained biological specimen within its control from a deceased offender who was previously convicted of a qualifying offense, regardless of the date of conviction. The Tennessee bureau of investigation shall maintain the specimen as provided in § 38-6-113.

(g) If an offender's biological specimen has not previously been submitted, then a law enforcement agency, including the Tennessee department of correction, shall submit to the Tennessee bureau of investigation a biological specimen from an offender who dies while incarcerated and was previously convicted of a qualifying offense, regardless of the date of conviction. The Tennessee bureau of investigation shall maintain the specimen as provided in § 38-6-113.

SECTION 4. This act takes effect July 1, 2025, the public welfare requiring it.