

HOUSE BILL 473

By Crawford

AN ACT to amend Tennessee Code Annotated, Title 18;
Title 38, Chapter 6; Title 39 and Title 40, Chapter
35, relative to the collection of DNA samples.

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) If a person is arrested for a felony offense occurring on or after July 1, 2025, then the person shall have a biological specimen taken for the purpose of DNA analysis to determine identification characteristics specific to the person. After a determination by a magistrate or a grand jury that probable cause exists for the arrest, but prior to the person's release from custody, the arresting authority shall take the sample using a buccal swab collection kit for DNA testing and forward the sample to the Tennessee bureau of investigation. The arresting authority shall collect the biological specimen in accordance with the uniform procedures established by the Tennessee bureau of investigation pursuant to § 38-6-113. The Tennessee bureau of investigation must maintain the sample as provided in § 38-6-113. The court or magistrate shall make the provision of the 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, then the bureau shall destroy the sample and all records of the sample; provided, that there is no other pending qualifying warrant or capias for an arrest or felony conviction that would otherwise require that the sample remain in the data bank.

SECTION 2. This act takes effect July 1, 2025, the public welfare requiring it.