

SENATE BILL 7087

By Johnson

AN ACT to amend Tennessee Code Annotated, Section 40-35-321, relative to persons arrested for the commission of a felony offense.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-321, is amended by designating subdivision (e)(1) as subdivision (e)(1)(A) and adding the following subdivision (e)(1)(B):

(B) When a person is arrested on or after October 1, 2023, for the commission of a felony offense, 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 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. The biological specimen must 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.

SECTION 2. Tennessee Code Annotated, Section 40-35-321(e)(3), is amended by deleting "As used in this subsection (e)" and substituting "As used in subdivision (e)(1)(A)".

SECTION 3. This act takes effect October 1, 2023, the public welfare requiring it.