

## TENNESSEE



State legislatures consider and enact laws that address the administration and use of forensic science by state justice systems. Issues addressed in these measures include the delegation of oversight responsibilities for forensic services, accreditation standards for forensic laboratories, access to post-conviction DNA testing, the collection and analysis of DNA samples from arrested and convicted individuals and procedures for eyewitness identification. Following is information on this state's legislative activity on forensic science issues. More information on forensic science policy from all 50 states and the District of Columbia is available on the NCSL [forensic science page](#).



### **Administration of State Forensic Services** .....§§ 38-6-103, 113

The state administers its forensic services through the Tennessee Bureau of Investigation.

### **Convicted Offender DNA Analysis** .....§ 40-35-321

People convicted of any felony or sex crime misdemeanor must submit a DNA sample to state officials. Sample collection applies to juveniles.

### **Arrestee DNA Analysis** .....§ 40-35-321

People arrested for enumerated violent felonies, including murder, aggravated assault, sexual offenses, etc., must submit a DNA sample to state officials. A probable cause hearing is required before a magistrate or grand jury. The sample is collected after the probable cause determination. Expungement of the sample is automatic after the court clerk notified the Tennessee Bureau of Investigation of the disposition of charges.

### **Post Conviction DNA Analysis**.....§§ 40-30-301 through 313

The state allows an individual convicted of enumerated offenses, including first or second degree murder, aggravated rape, and rape, to apply for post-conviction DNA testing. Their application must raise a reasonable probability the results of the test would have resulted in non-conviction. Tennessee code has specifications for the preservation of biological evidence.

### **Sexual Assault Evidence and Backlogs**.....§ 38-6-103

State appropriated funds created analyst positions to addresses their forensic biology backlog.