

HOUSE BILL 1359

By Dennis

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 30, Part 3, relative to post-conviction DNA
analysis.

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

SECTION 1. Tennessee Code Annotated, Section 40-30-304, is amended by adding the following language at the end of subdivision (1):

In deciding whether a reasonable probability exists, the court may infer that the DNA profile obtained from such evidence does not match the applicant's DNA profile and that the offense was committed solely by the person whose DNA profile is derived from the evidence. The court shall also consider whether a DNA profile derived from probative biological evidence could match a DNA profile in the Combined DNA Index System (CODIS) obtained from a known individual or a profile obtained from an unsolved crime;

SECTION 2. Tennessee Code Annotated, Section 40-30-304, is amended by designating the existing language as subsection (a) and by adding the following language as subsection (b):

(b) Before trial, for purposes of obtaining exculpatory evidence; after conviction, for purposes of making an application pursuant to this part; or for purposes of making a credible application for executive clemency, a court may order that a law enforcement entity that has access to the Combined DNA Index System (CODIS) shall submit the DNA profile obtained from probative biological material from crime scene evidence to determine whether it matches a profile of a known individual or a profile from an unsolved crime. The petitioner must show that the DNA profile derived from probative biological material from crime scene evidence complies with the Federal Bureau of

Investigation's requirements for the uploading of crime scene profiles to the National DNA Index System.

SECTION 3. Tennessee Code Annotated, Section 40-30-305, is amended by adding the following language at the end of subdivision (1):

In deciding whether a reasonable probability exists, the court may infer that the DNA profile obtained from such evidence does not match the applicant's DNA profile and that the offense was committed solely by the person whose DNA profile is derived from the evidence. The court shall also consider whether a DNA profile derived from probative biological evidence could match a DNA profile in the Combined DNA Index System (CODIS) obtained from a known individual or a profile obtained from an unsolved crime;

SECTION 4. This act shall take effect July 1, 2011, the public welfare requiring it.