

SENATE BILL 260

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 38,  
relative to familial DNA searching.

WHEREAS, familial DNA searching is a process used to attempt to identify a close blood relative of a person who commits a crime when the DNA profile of the person who committed the crime is not identified in a routine search of the state's DNA data base; and

WHEREAS, the states of California and Colorado have been using familial searches and such authorization is set forth in state policies not statutes; and

WHEREAS, the state of Colorado has offered the use of their familial search software program free of charge to other jurisdictions, including the state of Virginia where that state's department of forensic science is currently testing the software; and

WHEREAS, it should be determined which crimes and under what circumstances familial DNA searches may be appropriate; now, therefore,

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

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 6, Part 1, is amended by adding the following as a new section thereto:

38-6-1\_\_.

(a) By January 1, 2012, the Tennessee bureau of investigation shall establish a state policy and uniform procedures authorizing familial DNA searches in certain criminal investigations. The bureau shall consult with the office of the attorney general and reporter in creating the policy and procedures. The bureau shall also study other states' policies and procedures to determine when the use of familial DNA searches may be appropriate.

(b) The procedures shall include appropriate safeguards to assure scientific accuracy and to assure that results obtained from any search are kept confidential while the investigation of a crime is pending.

(c) For purposes of this act, “familial DNA search” means a search of the centralized system to cross-reference data obtained from DNA analysis from a DNA profile taken from a crime scene for the purpose of determining if there is a biological relative of an individual for whom there is a DNA profile in the centralized system.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.