



**State of Tennessee**  
**PUBLIC CHAPTER NO. 996**

**HOUSE BILL NO. 2854**

**By Representatives Maggart, Hardaway**

**Substituted for: Senate Bill No. 2922**

**By Senators Overbey, Ketron, Burks**

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, Part 3, relative to the collection of DNA samples from certain criminal offenders.

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

SECTION 1. Tennessee Code Annotated, Section 40-35-321, is amended by deleting the second sentence of subsection (b) in its entirety and substituting instead the following:

If the person is not incarcerated at the time of sentencing, the order shall require the person to report to the probation division of the department charged by law with the supervision of probationers, which shall gather the specimen. If a probation officer is not available to gather the specimen, the court may designate a person to do so. The cost of taking, processing and storing the specimen shall be paid by the defendant and shall be collected by the probation officer in the same manner as other fees.

SECTION 2. Tennessee Code Annotated, Section 40-35-321, is amended by deleting the second sentence of subdivision (d)(1) and substituting instead the following:

If the person is not incarcerated at the time of sentencing, the order shall require the person to report to the probation division of the department charged by law with the supervision of probationers, which shall gather the specimen. If a probation officer is not available to gather the specimen, the court may designate a person to do so. The cost of taking, processing and storing the specimen shall be paid by the defendant and shall be collected by the probation officer in the same manner as other fees.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

HOUSE BILL NO. 2854

PASSED: APRIL 23, 2012



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 10<sup>th</sup> day of May 2012



BILL HASLAM, GOVERNOR