



Fingerprinting and DNA Samples

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Fingerprinting and DNA Samples	3
--------------------------------------	---

Fingerprinting and DNA Samples

Reference Number: MTAS-402

Law enforcement agencies are required to make a full set of fingerprints of each person arrested for an offense that results in incarceration or posting bond. Two sets of prints must be sent to the TBI if the agency maintains fingerprints manually. The TBI keeps one set and sends the other to the FBI. T.C.A. § 38-3-122, T.C.A. § 8-8-201(35). Departments that send fingerprints electronically must maintain with the arrest report one hard copy of the fingerprints and acknowledgment from the TBI that the electronic copy has been received and accepted. When a person is arrested repeatedly for public intoxication, the officer must note that fingerprints are on file. Sanctions for failing to comply with the fingerprinting requirements apply only to fingerprints taken on or after July 1, 1999, and are imposed on the agency conducting the fingerprinting.

Prior to purchasing fingerprinting equipment, local departments are required to obtain certification from the TBI that the equipment is compatible with the TBI's and the FBI's automated fingerprint identification system. T.C.A. § 8-4-115, T.C.A. § 39-17-420.

The arresting authority must take a biological sample for DNA analysis from any person arrested for certain violent felonies. The sample must be taken after determination by a magistrate or grand jury that probable cause exists for the arrest but before release. T.C.A. § 40-35-321.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 02/25/2020 - 8:58pm): <https://www.mtas.tennessee.edu/reference/fingerprinting-and-dna-samples>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE