

House Bill 560

By: Representatives Holcomb of the 81st and Abrams of the 89th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions for law enforcement officers and agencies, so as to provide requirements
3 for submitting certain evidence collected from a forensic medical examination to the Georgia
4 Bureau of Investigation; to provide for a definition; to provide for procedure; to provide for
5 reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
9 provisions for law enforcement officers and agencies, is amended by revising Code Section
10 35-1-2, which was previously reserved, as follows:

11 "35-1-2.

12 (a) As used in this Code section, the term 'division' means the Division of Forensic
13 Sciences of the Georgia Bureau of Investigation.

14 (b) It shall be the duty of every law enforcement officer who is responsible for having a
15 forensic medical examination performed on an individual pursuant to subsection (c) of
16 Code Section 16-6-1 or subsection (c) of Code Section 16-6-2, wherein evidence is
17 collected, to:

18 (1) Provide e-mail notification to the division within 72 hours of collecting such
19 evidence that such evidence has been collected; and

20 (2) Ensure that such evidence is submitted to the division within 30 days of it being
21 collected in accordance with the procedures established by the division, whether or not
22 the evidence is going to be tested.

23 (c) It shall be the duty of every law enforcement agency to create a list of evidence
24 resulting from a forensic medical examination performed on an individual pursuant to
25 subsection (c) of Code Section 16-6-1 or subsection (c) of Code Section 16-6-2 that is in
26 such agency's possession on July 1, 2015, identifying such evidence as needing to be tested

27 or needing to be stored and submit such listing of information to the division by September
28 1, 2015. If such evidence has been stored, it shall be submitted to the division by
29 November 1, 2015, in accordance with the procedures established by the division.

30 (d) Beginning December 1, 2015, the division shall issue an annual report detailing the
31 number of cases for which it has tested evidence and the number of cases for which it is
32 storing evidence pursuant to this Code section. Such report shall be provided to the
33 Speaker of the House of Representatives, the Lieutenant Governor, the House Committee
34 on Judiciary, Non-civil, and the Senate Judiciary, Non-civil Committee. Reserved."

35 **SECTION 2.**

36 All laws and parts of laws in conflict with this Act are repealed.