

Senate Bill 304

By: Senators Parent of the 42nd and Jones II of the 22nd

AS PASSED

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 definitions; to provide for procedure; to provide for
5 reporting; to provide for a short title; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Compassionate Care for Victims of Sexual
10 Assault Act."

11 **SECTION 2.**

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

15 "35-1-2.

16 (a) As used in this Code section, the term:

17 (1) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of
18 Investigation.

19 (2) 'Medical examination' means an examination pursuant to subsection (c) of Code
20 Section 16-6-1 or subsection (c) of Code Section 16-6-2.

21 (b) When a forensic medical examination is performed, evidence is collected, and the
22 alleged victim has requested that law enforcement officials be notified, the individual
23 performing such exam, or his or her designee, shall notify the appropriate law enforcement
24 agency of the collection of such evidence and provide a summary of all rights guaranteed
25 to the alleged victim pursuant to the Crime Victims' Bill of Rights established pursuant to

26 Code Section 17-17-1, et seq., as provided by the Criminal Justice Coordinating Council.
 27 At the time of the examination, no alleged victim shall be required to assign or waive any
 28 rights afforded to them in the Crime Victims' Bill of Rights or that might prevent the
 29 alleged victim from seeking relief from the Crime Victims Compensation Board. Law
 30 enforcement officials shall take possession of such evidence no later than 96 hours of being
 31 notified.

32 (c) It shall be the duty of every law enforcement officer who takes possession of the
 33 evidence as provided in subsection (b) of this Code section to ensure that such evidence is
 34 submitted to the division within 30 days of it being collected, in accordance with the
 35 procedures established by the division.

36 (d) When a forensic medical examination was performed before July 1, 2016, evidence
 37 was collected, and the alleged victim requested that law enforcement officials be notified,
 38 the individual who performed such exam, or his or her designee, shall notify the
 39 appropriate law enforcement agency of the collection of such evidence on or before
 40 July 15, 2016, and law enforcement officials shall take possession of such evidence on or
 41 before July 31, 2016. It shall be the duty of every law enforcement officer who takes
 42 possession of the evidence as provided in this Code section to ensure that such evidence
 43 is submitted to the division by August 31, 2016, in accordance with the procedures
 44 established by the division.

45 (e) It shall be the duty of every law enforcement agency to create a list of evidence
 46 resulting from a forensic medical examination that is in such agency's possession on
 47 August 1, 2016, identifying such evidence as needing to be tested and submitting such
 48 listing of information to the division by August 15, 2016.

49 (f) A failure to comply with the provisions of this Code section shall not affect the
 50 admissibility of evidence collected from a forensic medical examination.

51 (g) Beginning December 1, 2016, the division shall issue an annual report detailing the
 52 number of cases for which it has tested evidence pursuant to this Code section and the
 53 number of cases that are awaiting testing. Such report shall be provided to the executive
 54 counsel of the Governor, the Speaker of the House of Representatives, the Lieutenant
 55 Governor, the members of the House Committee on Judiciary, Non-civil, the members of
 56 the Senate Judiciary, Non-civil Committee, the House Committee on Health and Human
 57 Services, and the Senate Health and Human Services Committee and posted online at the
 58 Georgia Bureau of Investigation's website. Reserved."

59 **SECTION 3.**

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