

Senate Bill 322

By: Senators Jackson of the 2nd, Henson of the 41st, Davenport of the 44th, Fort of the 39th and James of the 35th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 and Chapter 1 of Title 35 of the Official Code of Georgia Annotated,  
2 relating to education and law enforcement officers and agencies, respectively, so as to require  
3 certain persons with arrest powers at university or college campuses to report allegations of  
4 rape to a local law enforcement agency with concurrent jurisdiction, to hand over all  
5 information and evidence, and to cooperate with said law enforcement agency; to provide for  
6 penalties; to require all law enforcement agencies with information on a sexual assault to  
7 cooperate with colleges and universities investigating a student for said assault; to provide  
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
12 2 of Article 2 of Chapter 3, relating to the university system, by adding a new Code section  
13 to read as follows:

14 "20-3-72.1.

15 (a) Any person with arrest powers provided by Code Section 20-3-72 who receives any  
16 allegation of rape as defined by Code Section 16-6-1 shall immediately report that  
17 allegation to, provide all information and evidence relevant to the allegation to, and  
18 cooperate with the local law enforcement agency with concurrent jurisdiction. The local  
19 law enforcement agency shall conduct the investigation of any allegation reported pursuant  
20 to this subsection.

21 (b) Any person with arrest powers provided by Code Section 20-3-72 who knowingly and  
22 willfully fails to make a report pursuant to subsection (a) of this Code section shall be  
23 guilty of a misdemeanor."

24 **SECTION 2.**

25 Said title is further amended in Chapter 8, relating to campus policemen, by adding a new  
26 Code section to read as follows:

27 "20-8-8.

28 (a) Any campus policeman who receives any allegation of rape as defined by Code Section  
29 16-6-1 shall immediately report that allegation to, provide all information and evidence  
30 relevant to the allegation to, and cooperate with the local law enforcement agency with  
31 concurrent jurisdiction. The local law enforcement agency shall conduct the investigation  
32 of any allegation reported pursuant to this subsection.

33 (b) Any campus policeman who knowingly and willfully fails to make a report pursuant  
34 to subsection (a) of this Code section shall be guilty of a misdemeanor."

35 **SECTION 3.**

36 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and  
37 agencies, is amended in Chapter 1, relating to general provisions, by adding a new Code  
38 section to read as follows:

39 "35-1-20.

40 Law enforcement agencies that have information related to an allegation of sexual assault  
41 shall cooperate, to the fullest extent allowable by law, with any college or university that  
42 is conducting a disciplinary investigation of a student for said allegation of sexual assault."

43 **SECTION 4.**

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