

Senate Bill 25

By: Senators Brown of the 26th, Thomas of the 10th, Stokes of the 43rd, Jackson of the 50th and Squires of the 5th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to torts
2 generally, so as to provide legislative findings; to provide immunity from liability for sexual
3 assault nurse examiners conducting examinations in support of a law enforcement
4 investigation and providers of facilities for such examinations; to provide for related matters;
5 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 51 of the Official Code of Georgia Annotated, relating to torts generally,
9 is amended by adding a new Code Section 51-1-50 to read as follows:

10 "51-1-50.

11 (a) The General Assembly hereby recognizes the essential expertise and support provided
12 to law enforcement agencies and prosecutors by sexual assault nurse examiners and the
13 providers of facilities for sexual assault examinations and the need to protect said
14 examiners and facility providers from civil liability that may arise from such examinations.

15 (b) Without waiving or affecting any existing immunity from any source and to be
16 cumulative of any existing immunity from any source, unless it is established that injuries
17 or death was caused by gross negligence or willful or wanton conduct, no licensed hospital,
18 clinic, or nonprofit organization that provides facilities for the medical and forensic
19 examination of alleged victims of sexual assault at the request of an agency of the state or
20 one of its political subdivisions or a nonprofit agency certified by the Criminal Justice
21 Coordinating Council to be authorized to request such examinations shall be liable for any
22 damages or injuries sustained by the alleged victim of sexual assault when the damages or
23 injuries are alleged to have occurred by reason of an act or omission to act during the
24 examination.

25 (c) Without waiving or affecting any existing immunity from any source and to be
26 cumulative of any existing immunity from any source, unless it is established that injuries

1 or death was caused by gross negligence or willful or wanton conduct, no certified sexual
2 assault nurse examiner who examines an alleged victim of sexual assault at the request of
3 an agency of the state or one of its political subdivisions or a nonprofit agency certified by
4 the Criminal Justice Coordinating Council to provide such examinations shall be liable for
5 any damages or injuries sustained by the alleged victim of sexual assault when the damages
6 or injuries are alleged to have occurred by reason of an act or omission to act during the
7 examination.

8 (d) This Code section shall not in any way be construed to immunize or affect the liability
9 of a person or entity making a report or causing a report to be made pursuant to Code
10 Section 19-7-5 or other applicable Georgia law."

11 **SECTION 2.**

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