

Senate Resolution 321

By: Senators Adelman of the 42nd, Hamrick of the 30th, Kemp of the 3rd, Tanksley of the 32nd and Hooks of the 14th

ADOPTED SENATE

A RESOLUTION

1 Creating the Senate Study Committee on Preservation of Evidence from Criminal Cases; and
2 for other purposes.

3 WHEREAS, it is the expressed will of the Senate to address the serious problems which can
4 occur when evidence from criminal cases is not preserved; and

5 WHEREAS, Georgia does not have any statutory guidelines mandating procedures for
6 preserving evidence in criminal cases; and

7 WHEREAS, criminal defendants, law enforcement, prosecutors, the Division of Forensic
8 Services of the Georgia Bureau of Investigation, the courts, and court clerks can all benefit
9 from a uniform policy for the preservation of evidence.

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate
11 Study Committee on Preservation of Evidence from Criminal Cases to be composed of six
12 members, as follows: three members appointed by the President of the Senate; three
13 members appointed by the President Pro Tempore. If an elected or appointed public officer
14 leaves office, a vacancy shall be created in such position on the committee. Such a vacancy
15 and any other vacancy shall be filled in the same manner as the initial designation or
16 appointment. The President Pro Tempore shall designate a member of the committee to serve
17 as chairperson. The committee shall meet at the call of the chairperson.

18 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
19 needs, issues, and problems mentioned above or related thereto and recommend any actions
20 or legislation which the committee deems necessary or appropriate. The committee may
21 conduct such meetings at such places and at such times as it may deem necessary or
22 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
23 accomplish the objectives and purposes of this resolution. The legislative members of the
24 committee shall receive the allowances provided for in Code Section 28-1-8, but shall receive

1 the same for not more than ten days unless additional days are authorized. The members of
2 the committee who are not legislative members and who are not public employees shall
3 receive no compensation for their services on the committee, but they shall receive a daily
4 expense allowance in the amount specified in subsection (b) of Code Section 45-7-21. The
5 members of the committee who are public employees shall receive no compensation for their
6 services on the committee but may be reimbursed for expenses by their respective employers.
7 The funds necessary to carry out the provisions of this resolution shall come from the funds
8 appropriated to or otherwise available to the Senate. The committee shall publish a written
9 report on its progress on or before December 1, 2004, for the 2005 session of the General
10 Assembly and shall include any recommendations of any actions or legislation which the
11 committee deems necessary or appropriate. This committee shall stand abolished on July 1,
12 2005.