

House Bill 1192 (AS PASSED HOUSE AND SENATE)

By: Representatives Boggs of the 145<sup>th</sup> and Snow of the 1<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 5 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated,  
2 relating to the Georgia Bureau of Investigation nomenclature, so as to change and add  
3 definitions; to change provisions relating to permission required for use of the Georgia  
4 Bureau of Investigation's nomenclature; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the  
9 Georgia Bureau of Investigation nomenclature, is amended by striking Code Section  
10 35-3-101, relating to definitions, and inserting in lieu thereof the following:

11 "35-3-101.

12 As used in this article, the term:

13 (1) 'Badge' means any official badge used by ~~agents~~ employees of the Georgia Bureau  
14 of Investigation, either in the past or currently.

15 (2) 'Bureau' means the Georgia Bureau of Investigation, its divisions, or operations under  
16 its command.

17 (3) 'Director' means the director of the Georgia Bureau of Investigation.

18 ~~(2)~~(4) 'Emblem' means any official patch or other emblem worn currently or formerly  
19 or used by the bureau to identify the bureau Investigative Division, the Division of  
20 Forensic Sciences, the Georgia Crime Information Center, or any other division or  
21 operation under the command of the bureau to identify the bureau or its employees.

22 ~~(3)~~(5) 'Person' means any person, corporation, organization, or political subdivision of  
23 the State of Georgia.

24 (6) 'Seal' means any official symbol, mark, or abbreviation which represents and is used  
25 by the Investigative Division, the Division of Forensic Sciences, the Georgia Crime

1 Information Center, or any other division or operation under the command of the bureau  
 2 to identify the bureau or its employees.

3 ~~(4)~~(7) 'Willful violator' means any person who knowingly violates the provisions of this  
 4 article. Any person who violates this article after being advised in writing by the director  
 5 that such person's activity is in violation of this article shall be considered a willful  
 6 violator and shall be considered in willful violation of this article. Any person whose  
 7 agent or representative is a willful violator and who has knowledge of the violation by  
 8 the agent or representative shall also be considered a willful violator and in willful  
 9 violation of this article unless, upon learning of the violation, he or she immediately  
 10 terminates the agency or other relationship with such violator."

## 11 SECTION 2.

12 Said article is further amended by striking Code Section 35-3-102, relating to permission  
 13 required for use of the Georgia Bureau of Investigation's nomenclature, and inserting in lieu  
 14 thereof the following:

15 "35-3-102.

16 Whoever, except with the written permission of the director, knowingly uses the words  
 17 'Georgia Bureau of Investigation,' 'GBI,' or 'agent of the Georgia Bureau of Investigation,'  
 18 'Division of Forensic Sciences,' 'DOFS,' 'Georgia Crime Information Center,' 'GCIC,' or  
 19 'State Crime Lab' in referring to Georgia's state crime lab in connection with any  
 20 advertisement, circular, book, pamphlet, or other publication, play, motion picture,  
 21 broadcast, telecast, or other production in a manner reasonably calculated to convey the  
 22 impression that such advertisement, circular, book, pamphlet, or other publication, play,  
 23 motion picture, broadcast, telecast, or other production is approved, endorsed, or authorized  
 24 by or associated with the bureau shall be in violation of this article."

## 25 SECTION 2.A.

26 "35-3-154.1.

27 (a) A copy of a report of the methods and findings of any examination or analysis  
 28 conducted by an employee of the state crime laboratory, authenticated under oath, is  
 29 prima-facie evidence in court proceedings in the State of the facts contained therein.

30 (b) The report shall have the effect as if the person who performed the analysis or  
 31 examination had personally testified and shall have an affidavit of the employee stating  
 32 that:

33 (1) He or she is certified to perform the requisite analysis or examination;

1 (2) His or her experience as a chemist or analyst and as an expert witness testifying in  
2 court; and

3 (3) He or she conducted the tests shown on the report using procedures approved by the  
4 Bureau and the report accurately reflects his opinion regarding the results.

5 (c) The prosecuting attorney shall serve a copy on defendant's attorney of record or on  
6 defendant if pro se, prior to the first proceeding the report is to be used against defendant.

7 (d) Any report under this Code section shall contain notice of the right to demand the  
8 testimony of the person signing the report.

9 (e) The defendant may object in writing any time after service of the report, but at least  
10 ten days prior to trial, to the introduction of the report. If objection is made, the judge  
11 shall require the employee to be present to testify. The state shall diligently investigate  
12 the witness' availability and report to the court. If the witness is not available on a timely  
13 basis, the court shall grant a continuance."

14 **SECTION 3.**

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