

**ADOPTED**

Senator Butler of the 55th offered the following amendment to the committee substitute to HB 170:

By inserting immediately following line 12 of page 8 a new section:

**“SECTION 13.1.**

Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended by striking subsections (a) and (b) of Code Section 24-2-3, relating to direct evidence or cross-examination of a complaining witness or other witnesses, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

24-2-3.

(a) In any prosecution for a sexually violent offense as defined in Code Section 42-1-12 rape, evidence relating to the past sexual behavior of the complaining witness shall not be admissible, either as direct evidence or on cross-examination of the complaining witness or other witnesses, except as provided in this Code section. For the purposes of this Code section, evidence of past sexual behavior includes, but is not limited to, evidence of the complaining witness’s marital history, mode of dress, general reputation for promiscuity, nonchastity, or sexual mores contrary to the community standards.

(b) In any prosecution for a sexually violent offense as defined in Code Section 42-1-12 rape, evidence relating to the past sexual behavior of the complaining witness may be introduced if the court, following the procedure described in subsection (c) of this Code section, finds that the past sexual behavior directly involved the participation of the accused and finds that the evidence expected to be introduced supports an inference that the accused could have reasonably believed that the complaining witness consented to the conduct complained of in the prosecution.”