

## House Resolution 352

By: Representatives Benfield of the 85<sup>th</sup>, Mumford of the 95<sup>th</sup>, Everson of the 106<sup>th</sup>, Mangham of the 94<sup>th</sup>, Abrams of the 84<sup>th</sup>, and others

## A RESOLUTION

1 Creating the House Study Committee on Eyewitness Identification Procedures; and for other  
2 purposes.

3 WHEREAS, eyewitness error is the leading cause of mistaken convictions; and

4 WHEREAS, cases of mistaken convictions due to eyewitness misidentification have resulted  
5 in actual perpetrators remaining free to commit more crimes; and

6 WHEREAS, the goal of a police investigation is to identify perpetrators accurately and  
7 apprehend the true perpetrators of crimes; and

8 WHEREAS, scientific studies of eyewitness memory have demonstrated that eyewitness  
9 evidence is, like trace physical evidence, susceptible to contamination if not handled  
10 properly; and

11 WHEREAS, well-intentioned witnesses and authorities acting in good faith may sometimes  
12 inadvertently undermine the accuracy of an identification procedure unless appropriate  
13 safeguards are in place; and

14 WHEREAS, extensive scientific research has shown that alternative methods of conducting  
15 identification procedures greatly enhance eyewitness identification accuracy; and

16 WHEREAS, this state has a compelling interest in assuring that appropriate eyewitness  
17 identification procedures are utilized in this state.

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
19 there is created the House Study Committee on Eyewitness Identification Procedures to be  
20 composed of nine members as follows:

- 1 (1) Four members of the House of Representatives to be appointed by the Speaker of the
- 2 House, one of whom shall be designated as the chairperson;
- 3 (2) The president of the Georgia Association of Chiefs of Police or his or her designee;
- 4 (3) The executive director of the Georgia Peace Officer Standards and Training Council
- 5 or his or her designee;
- 6 (4) The executive director of the Prosecuting Attorneys' Council of the State of Georgia
- 7 or his or her designee;
- 8 (5) The president of the Georgia Association of Criminal Defense Lawyers or his or her
- 9 designee; and
- 10 (6) The executive director of the Georgia Innocence Project or his or her designee.
- 11 The chairperson shall call all meetings of the committee.

12 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
13 needs, issues, and problems mentioned above or related thereto and recommend any actions  
14 including, but not limited to, best practices for eyewitness identification procedures and  
15 evidentiary standards for admissibility of eyewitness identifications, or legislation which the  
16 committee deems necessary or appropriate. The committee may conduct such meetings at  
17 such places and at such times as it may deem necessary or convenient to enable it to exercise  
18 fully and effectively its powers, perform its duties, and accomplish the objectives and  
19 purposes of this resolution. The members of the committee shall receive the allowances  
20 authorized for legislative members of interim legislative committees but shall receive the  
21 same for not more than five days unless additional days are authorized. The funds necessary  
22 to carry out the provisions of this resolution shall come from the funds appropriated to the  
23 House of Representatives. In the event the committee makes a report of its findings and  
24 recommendations, with suggestions for proposed legislation, if any, such report shall be  
25 made on or before the convening of the 2008 session of the General Assembly, at which time  
26 the committee shall stand abolished.