

House Bill 503

By: Representatives Carter of the 175th and Golick of the 34th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 6 of Title 16 and Chapter 15 of Title 17 of the Official Code of Georgia
2 Annotated, relating to sexual offenses and victim compensation, respectively, so as to
3 provide for funding of certain medical examinations involved in certain sexual offenses; to
4 provide for a definition; to provide for procedure; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses,
9 is amended by revising subsection (c) of Code Section 16-6-1, relating to rape, as follows:
10 "(c) When evidence relating to an allegation of rape is collected in the course of a medical
11 examination of the person who is the victim of the alleged crime, the ~~law enforcement~~
12 ~~agency investigating the alleged crime~~ Georgia Crime Victims Emergency Fund, as
13 provided for in Chapter 15 of Title 17, shall be responsible for the cost of the medical
14 examination to the extent that expense is incurred for the limited purpose of collecting
15 evidence."

16 **SECTION 2.**

17 Said chapter is further amended by revising Code Section 16-6-2, relating to sodomy,
18 aggravated sodomy, and medical expenses, is amended by revising subsection (c) as follows:
19 "(c) When evidence relating to an allegation of aggravated sodomy is collected in the
20 course of a medical examination of the person who is the victim of the alleged crime, the
21 ~~law enforcement agency investigating the alleged crime~~ Georgia Crime Victims
22 Emergency Fund, as provided for in Chapter 15 of Title 17, shall be financially responsible
23 for the cost of the medical examination to the extent that expense is incurred for the limited
24 purpose of collecting evidence."

25 **SECTION 3.**

26 Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to victim
27 compensation, is amended by revising paragraphs (6) through (9) of Code Section 17-15-2,
28 relating to definitions, as follows:

29 "(6) 'Forensic medical examination' means an examination provided to a person pursuant
30 to subsection (c) of Code Section 16-6-1 or subsection (c) of Code Section 16-6-2 by a
31 trained medical personnel in order to gather evidence. Such examination shall include,
32 but shall not be limited to:

33 (A) An examination for physical trauma;

34 (B) A determination as to the nature and extent of the physical trauma;

35 (C) A patient interview;

36 (D) Collection and evaluation of the evidence collected; and

37 (E) Any additional testing deemed necessary by the examiner in order to collect
38 evidence and provide treatment.

39 (7) 'Fund' means the Georgia Crime Victims Emergency Fund.

40 ~~(7)~~(8) 'Investigator' means an investigator of the board.

41 ~~(8)~~(9) 'Serious mental or emotional trauma' means a nonphysical injury which has been
42 documented by a licensed mental health professional and which meets the specifications
43 promulgated by the board's rules and regulations relating to this type of trauma.

44 ~~(9)~~(10) 'Victim' means a person who:

45 (A) Is injured physically, who dies, or who suffers financial hardship as a result of
46 being injured physically as a direct result of a crime;

47 (B) Suffers a serious mental or emotional trauma as a result of being threatened with
48 a crime which could result in physical injury or death; or

49 (C) Suffers a serious mental or emotional trauma as a result of being present during the
50 commission of a crime."

51 **SECTION 4.**

52 Said chapter is further amended by adding a new Code section to read as follows:

53 "17-15-15.

54 When a forensic medical examination is conducted, the cost of such examination shall be
55 paid for by the fund in an amount not to exceed \$1,000.00. The fund shall be responsible
56 for payment of such cost notwithstanding whether the person receiving such examination
57 has health insurance or any other source of health care coverage."

58 **SECTION 5.**

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