

House Bill 503 (AS PASSED HOUSE AND SENATE)

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 Title 17 of the Official Code of Georgia Annotated,
2 relating to sexual offenses and criminal procedure, respectively, so as to provide for funding
3 of forensic medical examinations involved in certain sexual offenses; to provide for a
4 definition; to provide for procedure; to provide for related matters; to repeal conflicting laws;
5 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 in Code Section 16-6-2, relating to sodomy, aggravated
18 sodomy, and medical expenses, 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 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
27 amended by revising Code Section 17-5-72, relating to the right to free forensic medical
28 examination, as follows:

29 "17-5-72.

30 A victim shall have the right to have a forensic medical examination regardless of whether
31 the victim participates in the criminal justice system or cooperates with law enforcement
32 in pursuing prosecution of the underlying crime. A victim shall not be required to pay,
33 directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic
34 medical examination shall be paid for by the ~~investigating law enforcement agency~~ Georgia
35 Crime Victims Emergency Fund, as provided for in Chapter 15 of this title."

36 **SECTION 4.**

37 Said title is further amended in Code Section 17-15-2, relating to definitions for victim
38 compensation, by revising paragraphs (6) through (9) as follows:

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

43 (A) An examination for physical trauma;

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

45 (C) A patient interview;

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

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

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

50 ~~(7)~~(8) 'Investigator' means an investigator of the board.

51 ~~(8)~~(9) 'Serious mental or emotional trauma' means a nonphysical injury which has been
52 documented by a licensed mental health professional and which meets the specifications
53 promulgated by the board's rules and regulations relating to this type of trauma.

54 ~~(9)~~(10) 'Victim' means a person who:

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

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

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

61 **SECTION 5.**

62 Said title is further amended by adding a new Code section to read as follows:

63 "17-15-15.64 When a forensic medical examination is conducted, the cost of such examination shall be
65 paid for by the fund in an amount not to exceed \$1,000.00. The fund shall be responsible
66 for payment of such cost notwithstanding whether the person receiving such examination
67 has health insurance or any other source of health care coverage."68 **SECTION 6.**69 Said title is further amended by revising Code Section 17-18-2, relating to information for
70 victims of rape or forcible sodomy, as follows:71 "17-18-2.72 The following information in substantially the form set out in this Code section shall be
73 provided to adult victims of rape or aggravated sodomy in accordance with Code Section
74 17-18-1:75 **INFORMATION FOR VICTIMS OF RAPE OR FORCIBLE SODOMY**76 If you are the victim of rape or forcible sodomy, you have certain rights under the law.
77 Rape or forcible sodomy by a stranger or a person known to you, including rape or
78 forcible sodomy by a person married to you, is a crime. You can ask the government's
79 lawyer to prosecute a person who has committed a crime. The government pays the cost
80 of prosecuting for crimes.81 If you are the victim of rape or forcible sodomy, you should contact a local police
82 department or other law enforcement agency immediately. A police officer will come to
83 take a report and collect evidence. You should keep any clothing you were wearing at the
84 time of the crime as well as any other evidence such as bed sheets. Officers will take you
85 to the hospital for a medical examination. You should not shower or douche before the
86 examination. The law requires that the ~~police department or law enforcement agency~~
87 ~~investigating the crime~~ Georgia Crime Victims Emergency Fund pay for the medical
88 examination to the extent of the cost for the collection of evidence of the crime."89 **SECTION 7.**

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