

House Bill 827 (COMMITTEE SUBSTITUTE)

By: Representatives Holcomb of the 81st, Bennett of the 80th, Pak of the 108th, Quick of the 117th, Abrams of the 89th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to
2 general provisions for law enforcement officers and agencies, so as to provide requirements
3 for submitting certain evidence collected from a forensic medical examination to the Georgia
4 Bureau of Investigation; to provide for definitions; to provide for procedure; to provide for
5 reporting; to provide for a short title; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Pursuing Justice for Rape Victims Act."

10 **SECTION 2.**

11 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
12 provisions for law enforcement officers and agencies, is amended by revising Code Section
13 35-1-2, which was previously reserved, as follows:

14 "35-1-2.

15 (a) As used in this Code section, the term:

16 (1) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of
17 Investigation.

18 (2) 'Medical examination' means an examination pursuant to subsection (c) of Code
19 Section 16-6-1 or subsection (c) of Code Section 16-6-2.

20 (b) When a forensic medical examination is performed, evidence is collected, and the
21 alleged victim has requested that law enforcement officials be notified, the individual
22 performing such exam, or his or her designee, shall notify the appropriate law enforcement
23 agency of the collection of such evidence. Law enforcement officials shall take possession
24 of such evidence no later than 96 hours of being notified.

25 (c) It shall be the duty of every law enforcement officer who takes possession of the
26 evidence as provided in subsection (b) of this Code section to ensure that such evidence is
27 submitted to the division within 30 days of it being collected, in accordance with the
28 procedures established by the division.

29 (d) When a forensic medical examination was performed before July 1, 2016, evidence
30 was collected, and the alleged victim requested that law enforcement officials be notified,
31 the individual who performed such exam, or his or her designee, shall notify the
32 appropriate law enforcement agency of the collection of such evidence on or before July
33 15, 2016, and law enforcement officials shall take possession of such evidence on or before
34 July 31, 2016. It shall be the duty of every law enforcement officer who takes possession
35 of the evidence as provided in this Code section to ensure that such evidence is submitted
36 to the division by August 31, 2016, in accordance with the procedures established by the
37 division.

38 (e) It shall be the duty of every law enforcement agency to create a list of evidence
39 resulting from a forensic medical examination that is in such agency's possession on
40 August 1, 2016, identifying such evidence as needing to be tested and submitting such
41 listing of information to the division by August 15, 2016.

42 (f) A failure to comply with the provisions of this Code section shall not affect the
43 admissibility of evidence collected from a forensic medical examination.

44 (g) Beginning December 1, 2016, the division shall issue an annual report detailing the
45 number of cases for which it has tested evidence pursuant to this Code section and the
46 number of cases that are awaiting testing. Such report shall be provided to the executive
47 counsel of the Governor, the Speaker of the House of Representatives, the Lieutenant
48 Governor, the members of the House Committee on Judiciary, Non-civil, the members of
49 the Senate Judiciary, Non-civil Committee, and posted online at the Georgia Bureau of
50 Investigation's website. Reserved."

51 **SECTION 3.**

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