

**ADOPTED**

Unterman of the 45th offered the following amendment:

1 *Amend the House substitute to SB 304 (LC 29 7133S) by deleting lines 1 through 52 and*  
 2 *inserting in lieu thereof the following:*

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

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

10 This Act shall be known and may be cited as the "Compassionate Care for Victims of Sexual  
 11 Assault Act."  
 12

**SECTION 2.**

13 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general  
 14 provisions for law enforcement officers and agencies, is amended by revising Code  
 15 Section 35-1-2, which was previously reserved, as follows:  
 16

17 "35-1-2.

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

19 (1) 'Division' means the Division of Forensic Sciences of the Georgia Bureau of  
 20 Investigation.

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

23 (b) When a forensic medical examination is performed, evidence is collected, and the  
 24 alleged victim has requested that law enforcement officials be notified, the individual  
 25 performing such exam, or his or her designee, shall notify the appropriate law enforcement  
 26 agency of the collection of such evidence and provide a summary of all rights guaranteed  
 27 to the alleged victim pursuant to the Crime Victims' Bill of Rights established pursuant to  
 28 Code Section 17-17-1, et seq., as provided by the Criminal Justice Coordinating Council.  
 29 At the time of the examination, no alleged victim shall be required to assign or waive any  
 30 rights afforded to them in the Crime Victims' Bill of Rights or that might prevent the

31 alleged victim from seeking relief from the Crime Victims Compensation Board. Law  
32 enforcement officials shall take possession of such evidence no later than 96 hours of being  
33 notified.

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

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

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

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

53 (g) Beginning December 1, 2016, the division shall issue an annual report detailing the  
54 number of cases for which it has tested evidence pursuant to this Code section and the  
55 number of cases that are awaiting testing. Such report shall be provided to the executive  
56 counsel of the Governor, the Speaker of the House of Representatives, the Lieutenant  
57 Governor, the members of the House Committee on Judiciary, Non-civil, the members of  
58 the Senate Judiciary, Non-civil Committee, the House Committee on Health and Human  
59 Services, and the Senate Health and Human Services Committee and posted online at the  
60 Georgia Bureau of Investigation's website. Reserved."

61 **SECTION 3.**

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