

House Bill 746

By: Representatives Holcomb of the 81st, Nguyen of the 89th, Paris of the 142nd, Oliver of the 82nd, Gardner of the 57th, 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 regarding law enforcement officers and agencies, so as to facilitate
3 statewide uniformity in policies and procedures concerning law enforcement contact with
4 victims of sexual assault and sexual assault evidence kit notifications; to require the Attorney
5 General to develop, maintain, and publicly post a document concerning the rights of victims
6 of sexual assault; to provide for oversight by the Department of Public Safety; to provide for
7 rules and regulations; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding law enforcement officers and agencies, is amended by adding a new
13 Code section to read as follows:

14 "35-1-22.

15 (a) On and after December 1, 2018, each state, county, and local law enforcement agency
16 shall comply with the policies and procedures provided for in this Code section concerning
17 contact with victims of sexual assault and sexual assault evidence kit notifications. Such
18 policies and procedures shall be as follows:

19 (1) Each law enforcement agency shall designate at least one law enforcement officer
20 who is trained in trauma and victim response to receive all inquiries concerning sexual
21 assault evidence kits and to serve as a liaison between such law enforcement agency and
22 victims of sexual assault;

23 (2) At the time that a sexual assault evidence kit is collected, victims of sexual assault
24 shall be provided with the contact information of the designated law enforcement officer
25 liaison as provided for in paragraph (1) of this subsection;

26 (3) Prior to or at the time of a medical forensic examination or law enforcement
 27 interview, victims of sexual assault shall be provided with a physical copy of the
 28 document as provided for under subsection (b) of this Code section identifying such
 29 victim's rights under the laws of this state by a designated law enforcement officer liaison
 30 provided for in paragraph (1) of this subsection; and

31 (4) Victims of sexual assault shall have the right to:

32 (A) Consult with a sexual assault victim advocate who has confidentiality and
 33 privilege; provided, however, that the waiving of such right by such victim in one
 34 instance does not negate this right in totality. The law enforcement officer shall inform
 35 such victim of this right prior to commencement of a medical forensic examination or
 36 law enforcement interview and shall not continue without a sexual assault victim
 37 advocate unless such right is knowingly and voluntarily waived;

38 (B) Request information, including the location, testing date, and testing results of a
 39 sexual assault evidence kit and whether a DNA sample was obtained from such kit,
 40 whether there are matches to DNA profiles in state or federal databases, and the
 41 estimated destruction date for such kit, if applicable, in the manner of communication
 42 designated by such victim;

43 (C) Receive updates on any change in status of such victim's case, including if the case
 44 has been closed or reopened;

45 (D) Designate a person of such victim's choosing to act as a recipient of information
 46 provided under this subsection;

47 (E) Be instructed on how to file a report with a law enforcement agency and have their
 48 sexual assault evidence kit tested in the future, if such victim chooses not to file a report
 49 or have the kit tested at the time the kit was collected; and

50 (F) Be informed about the right to apply for victim compensation.

51 (b) The Attorney General shall develop, maintain, and post a document on his or her
 52 public website that identifies the rights of victims of sexual assault under Georgia law.

53 (c) Pursuant to rules and regulations of the department, each state, county, and local law
 54 enforcement agency shall annually certify to the department that it is in compliance with
 55 the requirements under subsection (a) of this Code section. Law enforcement agencies that
 56 do not comply with the requirements of this Code section are subject to the withholding of
 57 any state funding or state administered federal funding."

58 **SECTION 2.**

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