

House Bill 837

By: Representatives Oliver of the 82nd, Cooper of the 43rd, Drenner of the 85th, Dempsey of the 13th, Holcomb of the 81st, 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 Criminal Justice Coordinating Council; to
7 provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
8 and for other 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)(A) Except as provided for in subparagraph (B) of this paragraph, each law
20 enforcement agency shall designate at least one law enforcement officer who is trained
21 in trauma and victim response to receive all inquiries concerning sexual assault
22 evidence kits and to serve as a liaison between such law enforcement agency and
23 victims of sexual assault;

24 (B) If a law enforcement agency is unable to designate a law enforcement officer to
25 perform the duties provided for under subparagraph (A) of this paragraph, for reasons
26 including, but not limited to, a lack of staff or lack of officers who meet the

27 qualifications, such law enforcement agency shall request support from the Georgia
28 Bureau of Investigation in the performance of such duties.

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

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

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

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

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

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

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

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

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

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

59 (c) Pursuant to rules promulgated by the Criminal Justice Coordinating Council, each state,
60 county, and local law enforcement agency shall annually certify to the Criminal Justice
61 Coordinating Council that it is in compliance with the requirements under subsection (a)
62 of this Code section. Law enforcement agencies that do not comply with the requirements

63 of this Code section are subject to the withholding of any state funding or state
64 administered federal funding."

65 **SECTION 2.**

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