

House Bill 282

By: Representatives Holcomb of the 81st, Hugley of the 136th, Buckner of the 137th, Oliver of the 82nd, Nguyen of the 89th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated,
2 relating to investigation of sexual assault, so as to increase the amount of time that law
3 enforcement agencies are required to preserve certain evidence of sexual assault; to provide
4 for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 4 of Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to
8 investigation of sexual assault, is amended by revising Code Section 17-5-71, relating to
9 preservation of evidence, as follows:

10 "17-5-71.

11 (a) Except as otherwise provided in ~~subsection (b) of this Code section or Code Section~~
12 17-5-55 or 17-5-56, on or after May 12, 2008, the investigating law enforcement agency
13 shall maintain any physical evidence collected as a result of an alleged sexual assault that
14 contains biological material, including, but not limited to, stains, fluids, or hair samples that
15 relate to the identity of the perpetrator of an alleged sexual assault, for ~~ten~~ 50 years after
16 the report of the alleged sexual assault or the expiration of the statute of limitations for such
17 alleged crime, whichever is greater.

18 ~~(b) If the victim does not cooperate with law enforcement in the investigation or~~
19 ~~prosecution of an alleged sexual assault, the investigating law enforcement agency shall~~
20 ~~maintain any physical evidence collected as a result of such alleged sexual assault that~~
21 ~~contains biological material, including, but not limited to, stains, fluids, or hair samples that~~
22 ~~relate to the identity of the perpetrator of the alleged sexual assault, for not less than 12~~
23 ~~months from the date any such physical evidence is collected."~~

24 style="text-align:center">**SECTION 2.**

25 All laws and parts of laws in conflict with this Act are repealed.