

The House Committee on Judiciary Non-Civil offers the following substitute to HB 282:

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 **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; provided, however, that for a crime for which there is
18 no statute of limitations, such evidence shall be retained for 50 years after the report of the
19 alleged sexual assault.

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

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.