

House Bill 518

By: Representative Holcomb of the 101<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to  
2 searches and seizures, so as to authorize the Criminal Justice Coordinating Council to create  
3 and operate a state-wide sexual assault kit tracking system; to provide for definitions; to  
4 provide for reporting requirements; to prohibit the sale of over-the-counter sexual assault  
5 kits; to provide for violation and penalty; to provide for civil immunity for certain sexual  
6 assault forensics personnel; to provide for rules; to amend Title 35 of the Official Code of  
7 Georgia Annotated, relating to law enforcement officers and agencies, so as to provide for  
8 the creation of the Forensic Medical Examination Advisory Committee; to provide for  
9 composition; to provide for rules; to provide for training protocols regarding forensic medical  
10 examinations; to provide for forensic testing; to provide a short title; to provide for related  
11 matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 This Act shall be known and may be cited as the "Sexual Assault Reform Act of 2025."

H. B. 518

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**SECTION 2.**

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16 Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches and  
17 seizures, is amended by adding a new Code section to read as follows:

18 "17-5-75.

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

20 (1) 'Over-the-counter sexual assault evidence kit' means a sexual assault forensic exam  
21 kit or rape kit that:

22 (A) Is marketed or presented as an over-the-counter, at-home, or self-collected early  
23 evidence kit;

24 (B) Is offered for sale or as a sample to members of the public; and

25 (C) Purports to allow an individual to independently collect evidence of a sexual  
26 assault outside of a collecting facility.

27 (2) 'Unreported sexual assault kit' means a sexual assault kit collected from a victim who  
28 has consented to the collection of the sexual assault kit but who has not reported the  
29 alleged crime to law enforcement.

30 (b) The Criminal Justice Coordinating Council shall create and operate a state-wide sexual  
31 assault kit tracking system. The council may contract with state or out-of-state entities  
32 including, but not limited to, private software and technology providers, for the creation,  
33 operation, and maintenance of the system.

34 (c) The state-wide sexual assault kit tracking system shall:

35 (1) Track the location and status of sexual assault kits throughout the criminal justice  
36 process, including the initial collection in sexual assault forensic examinations performed  
37 at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis  
38 at forensic laboratories, and storage and any destruction after completion of analysis;

39 (2) Designate sexual assault kits as unreported or reported;

40 (3) Allow medical facilities performing sexual assault forensic examinations, law  
41 enforcement agencies, prosecutors, the Division of Forensic Sciences of the Georgia

42 Bureau of Investigation, and other entities having custody of sexual assault kits to update  
43 and track the status and location of sexual assault kits;  
44 (4) Allow victims of sexual assault to anonymously track or receive updates regarding  
45 the status of their sexual assault kits; and  
46 (5) Use electronic technology or technologies allowing continuous access.  
47 (d) The Criminal Justice Coordinating Council may use a phased implementation process  
48 in order to launch the sexual assault kit tracking system and facilitate entry and use of the  
49 system for required participants. The council may phase initial participation according to  
50 region, volume, or other appropriate classifications. All law enforcement agencies and  
51 other entities having custody of sexual assault kits shall register for and utilize the system  
52 in order to fully participate no later than one year following the effective date of this Code  
53 section. The council shall submit a report on the current status and plan for launching the  
54 system, including the plan for phased implementation, to the appropriate committees of the  
55 legislature and the Governor no later than January 1, 2026.  
56 (e) The Criminal Justice Coordinating Council shall submit a report on the state-wide  
57 sexual assault kit tracking system to the appropriate committees of the legislature and the  
58 Governor. The council shall publish the current report on its website. The first report shall  
59 be submitted on or before December 31, 2025, and subsequent reports are to be submitted  
60 on or before January 31 of each subsequent year to provide data for the preceding calendar  
61 year. Each report shall include:  
62 (1) The number of sexual assault kits used by collection sites to conduct forensic medical  
63 examinations of assault victims;  
64 (2) Of the sexual assault kits used by collection sites to conduct forensic medical  
65 examinations, the number of sexual assault kits for which a sexual assault has been  
66 reported to law enforcement, sorted by law enforcement agency;  
67 (3) The average time for each law enforcement agency to collect reported sexual assault  
68 kits from collection sites;

- 69 (4) Of the sexual assault kits generated for reported cases, the number of sexual assault  
70 kits submitted to a laboratory for forensic testing;
- 71 (5) Of the sexual assault kits submitted for forensic testing, the number of kits for which  
72 forensic testing has been completed;
- 73 (6) The number of sexual assault kits for which a sexual assault has not been reported  
74 to law enforcement; and
- 75 (7) The jurisdictions in which reported sexual assault kits have not been submitted to the  
76 Division of Forensic Sciences of the Georgia Bureau of Investigation in accordance with  
77 Code Section 35-1-2.
- 78 (f) For the purpose of reports submitted under subsection (e) of this Code section, a sexual  
79 assault kit shall be assigned to the jurisdiction associated with the law enforcement agency  
80 anticipated to receive the sexual assault kit or otherwise having custody of the sexual  
81 assault kit.
- 82 (g) An over-the-counter sexual assault evidence kit does not include a sexual assault kit  
83 sold or provided to law enforcement or medical personnel or a collecting facility. A person  
84 may not sell, offer for sale, or provide to an individual an over-the-counter sexual assault  
85 evidence kit. A violation of this subsection is a misdemeanor punishable by fine not to  
86 exceed \$1,000.00.
- 87 (h) Any public agency or entity, including its officials and employees, and any hospital  
88 and its employees providing services to victims of sexual assault shall not be held civilly  
89 liable for damages arising from any release of information or the failure to release  
90 information related to the state-wide sexual assault kit tracking system, so long as the  
91 release was without gross negligence.
- 92 (i) The Criminal Justice Coordinating Council shall adopt rules as necessary to implement  
93 this Code section."

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**SECTION 3.**

95 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and  
96 agencies, is amended by revising subsections (c), (e), (f), and (g) of Code Section 35-1-2,  
97 relating to examination of sexual assault victims and reports, as follows:

98 "(c) It shall be the duty of every law enforcement officer who takes possession of the  
99 evidence as provided in subsection (b) of this Code section to ensure that such evidence is  
100 submitted to the division for testing within 30 days of it being collected, in accordance with  
101 the procedures established by the division. The division shall test evidence received in  
102 compliance with this section, unless the victim requests in writing directly to the division  
103 that the evidence not be tested."

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

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

110 ~~(g)(f)~~ Beginning December 1, 2016, the division shall issue an annual report detailing the  
111 number of cases for which it has tested evidence pursuant to this Code section and the  
112 number of cases that are awaiting testing. Such report shall be provided to the executive  
113 counsel of the Governor, the Speaker of the House of Representatives, the ~~Lieutenant~~  
114 ~~Governor~~ President of the Senate, the members of the House Committee on Judiciary,  
115 Non-civil; the members of the Senate Judiciary Committee; the House Committee on  
116 Public and Community Health; and Human Services, and the Senate Health and Human  
117 Services Committee; and posted online at the Georgia Bureau of Investigation's public  
118 website."

**SECTION 4.**

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Said title is further amended by adding a new Code section to read as follows:

"35-6A-18.

(a) There is created the Forensic Medical Examination Advisory Committee which shall be composed of 13 members.

(b) The members of the committee shall be the State Sexual Assault Nurse Examiner (SANE) Coordinator and 12 other citizens of this state appointed by the Governor. Of the members appointed by the Governor, four shall be registered nurses who hold board certification in forensic nursing, one shall be a representative from the Georgia Board of Nursing, one shall be a representative from the Georgia Nurses Association, two shall be licensed providers under Georgia law who are advanced practitioners, one shall be a peace officer certified by the Georgia Peace Officer Standards and Training Council, one shall be a prosecuting attorney, one shall be employed by the Division of Forensic Sciences of the Georgia Bureau of Investigation, and one shall be a victims' rights advocate. The Governor shall make the initial appointments not later than July 1, 2025, and shall appoint three members for a one-year term of office, three members for two-year terms of office, three members for three-year terms of office, and three members for four-year terms of office, which shall be specified in each member's appointment. Thereafter, successors shall be appointed to four-year terms of office. Vacancies shall be filled by appointment of the Governor for the unexpired term. Initial terms of office shall begin on July 1, 2025.

(c) The committee shall establish by rule and regulation criteria for the SANE didactic and clinical training protocols for the forensic medical examination and maintain certificates for forensic nurses in the state. The training protocols shall be consistent with best practice as defined by the national organizations and uphold nurse practice standards as regulated by the Georgia Board of Nursing. To receive the state certificate, the registered nurse must complete a Criminal Justice Coordinating Council approved SANE didactic and clinical training and submit the required documents required by the protocol as set forth by the

146 committee. Forensic Nurses with sexual assault nurse training who begin practice in this  
147 state on or after August 1, 2025, shall have until January 1, 2026, to apply for the state  
148 certificate. Nurses entering the state on or after August 1, 2025, and who intend to practice  
149 as a sexual assault nurse examiner shall apply for the state certificate prior to beginning  
150 practice as a sexual assault nurse examiner. The Victims Compensation Division of the  
151 Criminal Justice Coordinating Council shall have the authority to make exceptions for any  
152 reimbursement for the SANE examination by rule or regulation.

153 (d) On and after July 1, 2025, persons or organizations that provide sexual assault nurse  
154 examiner training in this state shall register and receive approval from the State Sexual  
155 Assault Nurse Examiner Coordinator prior to offering such training. Such persons or  
156 organizations shall submit the locations and dates of the proposed training and the training  
157 content for all adult/adolescent and pediatric didactic and clinical training for approval by  
158 the State Sexual Assault Nurse Examiner Coordinator. Such persons or organizations shall  
159 report to the Criminal Justice Coordinating Council on completed training with such  
160 information and in such manner as directed by the Criminal Justice Coordinating Council.

161 (e) Approvals for trainings made by the State Sexual Assault Nurse Examiner Coordinator  
162 and the Criminal Justice Coordinating Council shall adhere to the established rules as set  
163 forth by the committee protocol. The committee shall also act as an advisory committee  
164 to assist the Criminal Justice Coordinating Council in developing best practice  
165 recommendations for forensic medical examiners in this state."

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## SECTION 5.

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