

The House Committee on Public Safety and Homeland Security offers the following substitute to HB 518:

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 prohibit the sale of over-the-counter sexual assault evidence
3 kits; to provide for violation and penalty; to provide for definitions; to amend Title 35 of the
4 Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so
5 as to provide for the creation of the Forensic Medical Examination Advisory Committee; to
6 provide for composition; to provide for rules; to provide for training protocols regarding
7 forensic medical examinations; to provide for forensic testing; to provide a short title; to
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

12 **SECTION 2.**

13 Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches and
14 seizures, is amended by revising Code Section 17-5-74, relating to unreported sexual assault

15 kits, definitions, state-wide tracking system, requirements, implementation, reporting,
16 jurisdiction, liability, and regulatory authority, as follows:

17 "17-5-74.

18 (a) ~~For the purposes of~~ As used in this Code section, the term:

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

21 (A) Is marketed or presented as a do-it-yourself, over-the-counter, at-home, or
22 self-collected early evidence kit;

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

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

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

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

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

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

38 (2) Designate sexual assault kits as an unreported sexual assault kit or as a reported
39 sexual assault kit;

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 July 1, 2022. The council shall submit a report on
53 the current status and plan for launching the system, including the plan for phased
54 implementation, to the appropriate committees of the legislature and the Governor no later
55 than January 1, 2022.

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, 2022, and subsequent reports are to be submitted
60 on or before December 31 of each year. Each report shall include ~~the following~~:

61 (1) The number of sexual assault kits used by collection sites to conduct forensic medical
62 examinations of assault victims;

63 (2) Of the sexual assault kits used by collection sites to conduct forensic medical
64 examinations, the number of sexual assault kits for which a sexual assault has been
65 reported to law enforcement, sorted by law enforcement agency;

66 (3) The average time for each law enforcement agency to collect reported sexual assault
67 kits from collection sites;

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

93 **SECTION 3.**

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

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

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

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

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

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

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

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

166 **SECTION 5.**

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