

**SENATE AMENDMENT TO HB 1283**

**ADOPTED SENATE**

1 *Amend HB 1283 (LC 48 1779S) by replacing lines 1 and 2 with the following:*

2 To amend Chapter 13 of Title 19 and Title 17 of the Official Code of Georgia Annotated,  
3 relating to family violence and criminal procedure, respectively, so as to authorize the  
4 creation of

5 *By replacing lines 218 through the end with the following:*

6 **SECTION 2.**

7 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
8 amended in Code Section 17-5-71, relating to preservation of evidence, by revising  
9 subsection (b) as follows:

10 "(b) If the victim chooses not to report the alleged sexual assault to law enforcement at the  
11 time of evidence collection, the law enforcement agency with jurisdiction shall maintain  
12 any physical evidence collected as a result of such alleged sexual assault that contains  
13 biological material, including, but not limited to, stains, fluids, or hair samples that relate  
14 to the identity of the perpetrator of the alleged sexual assault, for ~~not less than 12 months~~  
15 10 years from the date any such physical evidence is collected."

16 **SECTION 3.**

17 Said title is further amended in Code Section 17-16-2, relating to applicability of article in  
18 felony cases, by adding a new subsection to read as follows:

19 (d.1) For purposes of this article, any records, reports, notes, data, or other materials  
20 created, received, or maintained solely by a partner or participating agency within a Family  
21 Justice Center established pursuant to Article 5 of Chapter 13 of Title 19 shall not be  
22 deemed to be in the possession, custody, or control of the state or prosecution or any law  
23 enforcement agency as defined in Code Section 35-3-30 based only on the co-location of  
24 such partner or participating agency in a facility with a prosecuting attorney or law  
25 enforcement agency."

26 **SECTION 4.**

27 Said title is further amended by revising Code Section 17-16-20, relating to applicability of  
28 article in misdemeanor cases, as follows:

29 "17-16-20.

30 (a) The provisions of this article shall apply only to misdemeanor cases or to felony cases  
31 docketed, indicted, or in which an accusation was returned prior to January 1, 1995, if the  
32 prosecuting attorney and the defendant do not agree in writing that the provisions of Article  
33 1 of this chapter shall apply.

34 (b) For purposes of this article, any records, reports, notes, data, or other materials created,  
35 received, or maintained solely by a partner or participating agency within a Family Justice  
36 Center established pursuant to Article 5 of Chapter 13 of Title 19 shall not be deemed to  
37 be in the possession, custody, or control of the state or prosecution or any law enforcement  
38 agency as defined in Code Section 35-3-30 based only on the co-location of such partner  
39 or participating agency in a facility with a prosecuting attorney or law enforcement  
40 agency."

41 **SECTION 5.**

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