

House Bill 282 (AS PASSED HOUSE AND SENATE)

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 revise 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~~ In cases in which the victim reports an
13 alleged sexual assault to law enforcement, the investigating law enforcement agency shall
14 maintain any physical evidence collected as a result of an alleged sexual assault that
15 contains biological material, including, but not limited to, stains, fluids, or hair samples that
16 relate to the identity of the perpetrator of an alleged sexual assault, for ~~ten years after the~~
17 ~~report of the alleged sexual assault~~ 30 years from the date of arrest, or seven years from
18 completion of sentence, whichever occurs last, and if no arrests, then for 50 years.

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

25

SECTION 2.

26 All laws and parts of laws in conflict with this Act are repealed.