

1 HB169  
2 197840-2  
3 By Representative Hall  
4 RFD: Judiciary  
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, a law enforcement agency  
9 is not required to preserve or retain sexual  
10 assault evidence until a criminal case is resolved.

11 This bill would require any law enforcement  
12 agency investigating a case involving a sex offense  
13 to preserve and retain all evidence of commission  
14 of the offense until the case has been resolved.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to law enforcement agencies; to require any  
21 law enforcement agency investigating a case involving a sex  
22 offense to preserve and retain all evidence of commission of  
23 the offense until the case has been resolved.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) Any law enforcement agency that is  
26 investigating a case involving a sex offense as defined by  
27 Section 15-20A-5, Code of Alabama 1975, shall preserve and

1 retain all evidence of the commission of the offense until the  
2 case has been resolved.

3 (b) For purposes of this act, "resolved" means that  
4 the case resulted in a plea of guilty, conviction, acquittal,  
5 or dismissal with prejudice and the defendant has exhausted  
6 all remedies on appeal.

7 Section 2. This act shall become effective on the  
8 first day of the third month following its passage and  
9 approval by the Governor, or its otherwise becoming law.