

1 HB49
2 204113-1
3 By Representatives Hall and Boyd
4 RFD: Judiciary
5 First Read: 04-FEB-20
6 PFD: 01/23/2020

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

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any law enforcement agency that is investigating a case involving a sex offense as defined by 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.