

Ga. Code Ann., § 17-5-56

West's Code of Georgia Annotated [Currentness](#)

Title 17. Criminal Procedure

[Chapter 5](#). Searches and Seizures ([Refs & Annos](#))

[Article 3](#). Disposition of Property Seized

➔§ 17-5-56. Preservation of physical evidence collected at the scene of the crime

(a) Except as otherwise provided [in Code Section 17-5-55](#), on or after May 27, 2003, governmental entities in possession of any physical evidence in a criminal case, including, but not limited to, a law enforcement agency or a prosecuting attorney, shall maintain any physical evidence collected at the time of the crime that contains biological material, including, but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the crime as provided in this Code section. Biological samples collected directly from any person for use as reference materials for testing or collected for the purpose of drug or alcohol testing shall not be preserved.

(b) In a case in which the death penalty is imposed, the evidence shall be maintained until the sentence in the case has been carried out. In a case that involves the prosecution of a serious violent felony as defined by [Code Section 17-10-6.1](#), the evidence that contains biological material, including but not limited to, stains, fluids, or hair samples that relate to the identity of the perpetrator of the crime shall be maintained for ten years after judgment in the criminal case becomes final or ten years after May 27, 2003, whichever is later. Evidence in all other felony and misdemeanor cases may be purged.

[Laws 2003, Act 37, § 3, eff. May 27, 2003.](#)

HISTORICAL AND STATUTORY NOTES

In 2003, the Code Commission, in subsecs. (a) and (b), substituted "May 27, 2003" for "the effective date of this Code section". See § 28-9-5.

RESEARCH REFERENCES

Treatises and Practice Aids

[Georgia Procedure Criminal Procedure § 8:175](#), Generally.

[Georgia Procedure Criminal Procedure § 8:183](#), Generally.

[Georgia Procedure Criminal Procedure § 8:187](#), Generally.

UNITED STATES CODE ANNOTATED

Innocence Protection Act of 2004, see [18 U.S.C.A. § 3600A](#); 42 U.S.C.A. §§ 4136e, 4163 et seq.

Ga. Code Ann., § 17-5-56, GA ST § 17-5-56