



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

Title 17. Criminal Procedure ([Refs & Annos](#))

▢ [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. Evidence in all felony cases 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 the period of time that the crime remains unsolved or until the sentence in the case is completed, whichever occurs last.

PART II

SECTION 2-1.

CREDIT(S)

[Laws 2003, Act 37, § 3, eff. May 27, 2003; Laws 2008, Act 539, § 2, eff. May 12, 2008; Laws 2011, Act 67, § 1-3, eff. May 11, 2011.](#)

Current through the 2011 Regular Session.

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