

The House Committee on Judiciary offers the following substitute to HB 1437:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia
2 Annotated, relating to general provisions regarding grand juries, so as to remove the
3 population and census application of certain provisions regarding use of stenographers or
4 recording devices at grand jury proceedings; to provide for the duty of the prosecuting
5 attorney; to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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8 Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated,
9 relating to general provisions regarding grand juries, is amended by striking Code Section
10 15-12-83, relating to use of stenographers or recording devices at grand jury proceedings,
11 and inserting in its place a new Code Section 15-12-83 to read as follows:

12 "15-12-83.

13 ~~(a) This Code section shall apply to all counties of this state which according to the United~~
14 ~~States decennial census of 1970 or any future such census have a population of 150,000 or~~
15 ~~more.~~

16 ~~(b)(a)~~ In any county of this state referred to in subsection ~~(a)~~ of this Code section, a
17 stenographer is authorized to be present and in attendance upon the grand jury while any
18 witness is being examined by the grand jury. Before attending the grand jury, the
19 stenographer shall take the following oath:

20 'I do solemnly swear that I will keep secret all things and matters coming to my
21 knowledge while in attendance upon the grand jury, so help me God.'

22 ~~(c)(b)~~ If the prosecuting attorney of the circuit in which the county is located
23 ~~shall appoint~~ appoints the stenographer and then he or she shall fix the compensation
24 therefor, such compensation to be paid by the county.

25 ~~(d)(c)~~ The stenographer is authorized to take and transcribe the testimony or any part of
26 the testimony of any witness who testifies before the grand jury and to furnish the transcript

1 of testimony to the grand jury or the ~~district~~ prosecuting attorney. The stenographer shall
2 be incompetent to testify at any hearing or trial concerning any matter or thing coming to
3 the knowledge of the stenographer while in attendance upon the grand jury.

4 ~~(e)~~(d) In any county of this state ~~having a population of 200,000 or more according to the~~
5 ~~United States decennial census of 1970 or any future such census,~~ a recording device may
6 be used in lieu of the stenographer provided for in subsection (a) of this Code section. Any
7 person transcribing testimony from such recording shall be incompetent to testify at any
8 hearing or trial concerning any matter or thing coming to the knowledge of the person from
9 the recordings."

10

SECTION 2.

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