

House Bill 1070 (AS PASSED HOUSE AND SENATE)

By: Representatives Irvin of the 45th, Sims of the 167th, O'Neal of the 139th, Walker of the 141st, Lunsford of the 109th and others

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 17-17-12 of the Official Code of Georgia Annotated, relating to
2 notification to victim of accused's motion for new trial or appeal, release on bail or
3 recognizance, appellate proceedings, and outcome of appeal, so as to provide that, in cases
4 in which the accused is convicted of a capital offense and receives the death penalty, it shall
5 be the duty of the Attorney General to notify the victim's family of the filing and disposition
6 of appeals from and other legal proceedings regarding such conviction which the Attorney
7 General is defending and to provide the family with periodic reports on the status of such
8 matters; to provide for related matters; to provide an effective date; to repeal conflicting
9 laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Code Section 17-17-12 of the Official Code of Georgia Annotated, relating to notification
13 to victim of accused's motion for new trial or appeal, release on bail or recognizance,
14 appellate proceedings, and outcome of appeal, is amended by striking subsection (b) and
15 inserting in lieu thereof new subsections (b) and (c) to read as follows:

16 "(b) Upon the written request of the victim as defined in paragraph (11) of Code Section
17 17-17-3, in cases in which the accused is convicted of a capital offense and receives the
18 death penalty, it shall be the duty of the Attorney General to:

19 (1) Notify the victim of the filing and disposition of all collateral attacks on such
20 conviction which are being defended by the Attorney General including, but not limited
21 to, petitions for a writ of habeas corpus, and the time and place of any such proceedings
22 and any changes in the time or place of those proceedings; and
23 (2) Provide the victim with a report on the status of all pending appeals, collateral
24 attacks, and other litigation concerning such conviction which is being defended by the
25 Attorney General at least every six months until the accused dies or the sentence or

conviction is overturned or commuted or otherwise reduced to a sentence other than the death penalty.

3 (b)(c) In the event the accused is granted a new trial or the conviction is reversed or
4 remanded and the case is returned to the trial court for further proceedings, the victim shall
5 be entitled to request the rights and privileges provided by this chapter."

SECTION 2.

7 This Act shall become effective upon its approval by the Governor or upon its becoming law
8 without such approval.

SECTION 3.

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