

Senate Bill 135

By: Senators Ray of the 48th, Hecht of the 34th and Balfour of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 16 of Title 17 of the Official Code of Georgia Annotated,
2 relating to discovery in misdemeanor cases, so as to change certain provisions relating to the
3 right of a defendant to be furnished with a copy of the indictment or accusation and a list of
4 witnesses; to provide for the right of the state to be furnished with a list of witnesses; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to
9 discovery in misdemeanor cases, is amended by striking Code Section 17-16-21, relating to
10 right of defendant to copy of indictment or accusation and list of witnesses, and inserting in
11 lieu thereof the following:

12 "17-16-21.

13 (a) Prior to arraignment, every person charged with a criminal offense shall be furnished
14 with a copy of the indictment or accusation and, on demand, with a list of the witnesses on
15 whose testimony the charge against such person is founded. Without the consent of the
16 defendant, no witness shall be permitted to testify for the state whose name does not appear
17 on the list of witnesses as furnished to the defendant unless the prosecuting attorney shall
18 state that the evidence sought to be presented is newly discovered evidence which the state
19 was not aware of at the time of its furnishing the defendant with a list of the witnesses.

20 (b) Upon demand from the state, the defendant shall provide a list of witnesses to the state
21 no later than ten days prior to the trial of the case. Without the consent of the state, no
22 witness shall be permitted to testify for the defendant whose name does not appear on the
23 list of witnesses as furnished to the state unless the defendant shall state that the evidence
24 sought to be presented is newly discovered evidence which the defendant was not aware
25 of at the time of his or her furnishing the state with a list of the witnesses."

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SECTION 2.

2 All laws and parts of laws in conflict with this Act are repealed.