

House Bill 400

By: Representatives Gardner of the 42<sup>nd</sup>, Post 3, Oliver of the 56<sup>th</sup>, Post 2, Moraitakis of the 42<sup>nd</sup>, Post 4 and Benfield of the 56<sup>th</sup>, Post 1

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to conduct of trial proceedings, so as to provide for the circumstances which must  
3 exist and findings which must be made at the trial of a pro se defendant to allow the use of  
4 closed circuit television when questioning a child ten years of age or younger who has been  
5 a victim of certain crimes; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to the  
10 conduct of trial proceedings, is amended by striking subsection (g) of Code Section 17-8-55,  
11 relating to testimony of child ten years old or younger by closed circuit television and  
12 persons entitled to be present, and inserting in its place the following:

13 “(g) The provisions of this Code section do not apply if the defendant is an attorney pro  
14 se unless the court finds by a preponderance of the evidence that requiring the child to  
15 testify in the presence of the defendant will cause the child to suffer serious emotional or  
16 mental distress that will prevent the child from reasonably communicating at the trial and  
17 the court appoints an attorney to assist the defendant in questioning the child. When the  
18 court permits the child to testify by closed circuit television outside the presence of the  
19 defendant, the court shall ensure that the defendant is able to view the child’s testimony,  
20 communicate constantly with the defense attorney by electronic transmission, and consult  
21 with the defense attorney as needed.”

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.