

House Bill 414

By: Representative Jenkins of the 93rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated,
2 relating to demurrers, motions, and special pleas and exceptions, so as to create time limits
3 for filing pretrial motions; to provide for related matters; to repeal conflicting laws; and for
4 other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 6 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to
8 demurrers, motions, and special pleas and exceptions, is amended by striking Code Section
9 17-7-110, relating to the indictment or accusation and witnesses, in its entirety and inserting
10 in lieu thereof the following:

11 "17-7-110.

12 ~~Reserved.~~

13 (a) All pretrial motions, including demurrers, special pleas, exceptions to the form of the
14 indictment or accusation, challenges to the array of grand or petit jury and motions to
15 suppress under Code Section 17-5-30, shall be filed within ten days of the date of
16 arraignment, unless the time for filing is extended by the court, or within ten days of the
17 grounds for said motion having been discovered by the defendant using reasonable
18 diligence, whichever is later.

19 (b) In order to afford an opportunity to move to suppress evidence under Code Section
20 17-5-30, the defendant may, within ten days of arraignment or at such time as the court
21 may allow, request notice from the state of its intention to use any evidence which is
22 arguably subject to suppression under Code Section 17-5-30. The defendant will have ten
23 days from the date that the state responds to this request in which to file such motion to
24 suppress, unless the court extends the time for filing such a motion."

1 **SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.