

Senate Bill 337

By: Senators Hamrick of the 30th and Williams of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated,
2 relating to habeas corpus procedure for persons under sentence of a state court of record, so
3 as to provide for a statute of limitations for bringing such actions; to designate where a
4 petition must be filed when the petitioner is being held by federal or other authorities; to
5 provide for service; to provide for related matters; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to
10 habeas corpus procedure for persons under sentence of a state court of record, is amended
11 by adding a new subsection (c) to Code Section 9-14-42, relating to grounds for a writ and
12 waiver of objection to jury composition, to read as follows:

13 "(c) Any action brought pursuant to this article shall be filed within one year in the case
14 of a misdemeanor, except as otherwise provided in Code Section 40-13-33, or within four
15 years in the case of a felony, other than one in which a sentence of death, life without
16 parole, or life was imposed, from:

17 (1) The judgment of conviction becoming final by the conclusion of direct review or the
18 expiration of the time for seeking such review;

19 (2) The date on which an impediment to filing a petition which was created by state
20 action in violation of the Constitution or laws of the United States or of this state is
21 removed, if the petitioner was prevented from filing such state action;

22 (3) The date on which the right asserted was initially recognized by the Supreme Court
23 of the United States or the Supreme Court of Georgia, if that right was newly recognized
24 by said courts and made retroactively applicable to cases on collateral review; or

25 (4) The date on which the facts supporting the claims presented could have been
26 discovered through the exercise of due diligence."

SECTION 2.

Said article is further amended by striking Code Section 9-14-43, relating to jurisdiction of habeas corpus proceedings, and inserting in lieu thereof the following:

"9-14-43.

A petition brought under this article must be filed in the superior court of the county in which the petitioner is being detained. The superior courts of such counties shall have exclusive jurisdiction of habeas corpus actions arising under this article. If the petitioner is not in custody or is being detained under the authority of the United States, any of the several states other than Georgia, or any foreign state, the petition must be filed in the superior court of the county in which the conviction and sentence which is being challenged was imposed."

SECTION 3.

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

SECTION 4.

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