

Senate Bill 413

By: Senators Brush of the 24th and Cheeks of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 24-9-20 of the Official Code of Georgia Annotated, relating to the
2 testimony of a criminal defendant, so as to provide that evidence of a defendant's general bad
3 character or prior convictions shall be admissible even if the defendant has not first put his
4 character in issue; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 24-9-20 of the Official Code of Georgia Annotated, relating to the testimony
8 of a criminal defendant, is amended by striking subsection (b) in its entirety and inserting in
9 lieu thereof the following:

10 "(b) If a defendant in a criminal case wishes to testify and announces in open court his or
11 her intention to do so, he or she may so testify in his or her own behalf. If a defendant
12 testifies, he or she shall be sworn as any other witness and may be examined and
13 cross-examined as any other witness, ~~except that no evidence of general bad character or~~
14 ~~prior convictions shall be admissible unless and until the defendant shall have first put his~~
15 ~~character in issue.~~ Evidence of prior felony convictions may be admitted in those cases
16 where the prior felony convictions are alleged in the indictment, as provided by law. The
17 failure of a defendant to testify shall create no presumption against him, and no comment
18 shall be made because of such failure."

19 style="text-align:center">**SECTION 2.**

20 All laws and parts of laws in conflict with this Act are repealed.