

Senate Bill 484

By: Senators Hamrick of the 30th, Johnson of the 1st, Stephens of the 51st, Clay of the 37th and Tanksley of the 32nd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to  
2 witnesses generally, so as to repeal the prohibition on the impeachment of criminal  
3 defendants by general bad character evidence or prior convictions unless the defendant first  
4 places his or her character in issue; to provide for the impeachment of witnesses through  
5 evidence of character; to provide for method of impeachment through evidence of character;  
6 to provide limitations on such impeachment; to provide for the impeachment of witnesses  
7 through evidence of conviction of a crime; to provide for limitations on such impeachment  
8 by evidence of conviction of a crime; to provide for related matters; to provide an effective  
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to witnesses  
13 generally, is amended by striking subsection (b) of Code Section 24-9-20, relating to  
14 testimony of criminal defendant, and inserting in lieu thereof a new subsection (b) to read as  
15 follows:

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



1 under which the witness was convicted, and evidence that the accused has been convicted  
 2 of such a crime shall be admitted if the court determines that the probative value of  
 3 admitting this evidence outweighs its prejudicial effect to the accused; and

4 (2) Evidence that any witness has been convicted of a crime shall be admitted if such  
 5 crime involved dishonesty or false statement, regardless of the punishment.

6 (b) Evidence of a conviction under this Code section is not admissible if a period of time  
 7 of more than ten years has elapsed since the date of the conviction or of the release of the  
 8 witness from the confinement imposed for that conviction, whichever is the later date,  
 9 unless the court determines, in the interests of justice, that the probative value of the  
 10 conviction supported by specific facts and circumstances substantially outweighs its  
 11 prejudicial effect. However, evidence of a conviction more than ten years old, as  
 12 calculated herein, is not admissible unless the proponent gives to the adverse party  
 13 sufficient advance written notice of intent to use such evidence to provide the adverse party  
 14 with a fair opportunity to contest the use of such evidence.

15 (c) Evidence of a conviction is not admissible under this Code section if:

16 (1) The conviction has been the subject of a pardon, annulment, certificate of  
 17 rehabilitation, or other equivalent procedure based upon a finding of the rehabilitation of  
 18 the person convicted, and that person had not been convicted of a subsequent crime  
 19 which was punishable by death or imprisonment in excess of one year; or

20 (2) The conviction has been the subject of a pardon, annulment, or other equivalent  
 21 procedure based on a finding of innocence.

22 (d) Evidence of juvenile adjudications is generally not admissible under this Code section.  
 23 The court may, however, in a criminal case allow evidence of a juvenile adjudication of a  
 24 witness other than the accused if conviction of the offense would be admissible to attack  
 25 the credibility of an adult and the court is satisfied that admission in evidence is necessary  
 26 for a fair determination of the issue of guilt or innocence.

27 (e) The pendency of an appeal therefrom does not render evidence of a conviction  
 28 inadmissible. Evidence of the pendency of an appeal is admissible."

#### 29 **SECTION 4.**

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

#### 32 **SECTION 5.**

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