

House Bill 1455

By: Representatives Buck of the 112th, Smyre of the 111th, Hugley of the 113th, and Buckner of the 109th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated,
2 relating to continuances, so as to provide for a continuance or postponement where a party
3 or attorney is presiding as a judge or recorder in another court; to provide for related matters;
4 to provide an effective date; 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 Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
8 continuances, is amended by adding a new Code section immediately following Code
9 Section 9-10-150, to be designated Code Section 9-10-150.1, to read as follows:

10 "9-10-150.1.

11 (a) It shall be the duty of the judge of any trial court of this state to continue, postpone, or
12 recess, on or without motion, any case in the court when any party thereto or such party's
13 attorney shall, when the case is reached, be absent from the court by reason of such party's
14 presiding as a judge or recorder in another court or if lead counsel in such case shall be
15 absent by reason of his or her service presiding as a judge or recorder in another court. Any
16 such continuance shall last during the entire day or days in conflict with such other court,
17 plus a reasonable time thereafter to allow the affected party or attorney to refresh and
18 prepare, but not less than one day, unless the party, in the absence of the party's attorney,
19 or the attorney, in the absence of the party, shall, on the call of the case, announce ready
20 for trial; provided, however, that where there are several attorneys engaged by a party, a
21 continuance shall be granted upon a showing by the party or the other counsel that the
22 absent counsel is necessary or desirable for the proper handling of the case. It shall be the
23 duty of a party or attorney relying on this Code section to give notice of such conflict to the
24 judge of the trial court in which such party or attorney is scheduled to appear and all
25 opposing counsel 48 hours in advance of the call of the trial calendar or the call of the case
26 for trial.

1 (b) The party or attorney relying on this Code section may only rely on this Code section
2 to obtain three continuances, postponements, or recesses, unless such party or attorney
3 avers that he or she has made efforts to find a qualified substitute for his or her judicial
4 duties and such efforts have not been successful, which averment without more shall be
5 sufficient for granting the continuance."

6 **SECTION 2.**

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

9 **SECTION 3.**

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