

House Bill 716

By: Representatives Lindsey of the 54th, Willard of the 49th, and Hatfield of the 177th

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 change certain provisions
4 relating to grounds for continuance for members of the General Assembly and others who
5 are attorneys or parties in a case; to amend Code Section 17-8-26 of the Official Code of
6 Georgia Annotated, relating to grounds for continuance for members of the General
7 Assembly and the attendance of a party or attorney, so as to change certain provisions
8 relating to a continuance; to provide for related matters; to provide an effective date; to
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
13 continuances, is amended by striking Code Section 9-10-150, relating to grounds for
14 continuance for members of the General Assembly who are parties or attorneys in a case, and
15 inserting in lieu thereof the following:

16 "9-10-150.

17 A member of the General Assembly who is a party to or the attorney for a party to a case,
18 or any member of the staff of the Lieutenant Governor, the Speaker of the House of
19 Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the
20 House of Representatives, or the chairperson of the Judiciary Committee or Special
21 Judiciary Committee of ~~either the Senate or~~ the Judiciary Committee or Judiciary,
22 Non-civil Committee of the House of Representatives who is the lead counsel for a party
23 to a case pending in any trial or appellate court or before any administrative agency of this
24 state, shall be granted a continuance and stay of the case upon written notice to the court.
25 The continuance and stay shall apply to all aspects of the case, including, but not limited
26 to, the filing and serving of an answer to a complaint, the making of any discovery or

1 motion, or of any response to any subpoena, discovery, or motion, and appearance at any
 2 hearing, trial, or argument. Unless a shorter length of time is requested by the member, the
 3 continuance and stay shall last the length of any regular or extraordinary session of the
 4 General Assembly and during the first three weeks following any recess or adjournment
 5 including an adjournment sine die of any regular or extraordinary session. A continuance
 6 and stay shall also apply to any legislative committee member for any day during the year
 7 the committee holds a meeting. Notwithstanding any other provision of law, rule of court,
 8 or administrative rule or regulation, and to the extent permitted by the Constitutions of the
 9 United States and the State of Georgia, the time for doing any act in the case which is
 10 delayed by the continuance provided by this Code section shall be automatically extended
 11 by the same length of time as the continuance or stay covered."

12 SECTION 2.

13 Said article is further amended by adding a new Code section immediately following Code
 14 Section 9-10-150, to be designated Code Section 9-10-150.1, to read as follows:

15 "9-10-150.1.

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

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

