

House Bill 222 (AS PASSED HOUSE AND SENATE)

By: Representative Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 16 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to discovery in felony cases, so as to change certain provisions relating to the  
3 applicability of the article; to include cases in which discovery may be obtained through  
4 other lawful methods; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to  
9 discovery in felony cases, is amended by striking in its entirety Code Section 17-16-2,  
10 relating to the applicability of the article, and inserting in lieu thereof the following:

11 "17-16-2.

12 (a) This article shall apply to all criminal cases in which at least one felony offense is  
13 charged in the event that at or prior to arraignment, or at such time as the court permits, the  
14 defendant provides written notice to the prosecuting attorney that such defendant elects to  
15 have this article apply to the defendant's case. When one defendant in a multidefendant  
16 case demands discovery under this article, the provisions of this article shall apply to all  
17 defendants in the case, unless a severance is granted.

18 (b) ~~This~~ Except as provided in subsection (c) of this Code section, this article shall not  
19 apply to juvenile court proceedings.

20 (c) This article shall be deemed to have been automatically invoked, without the written  
21 notice provided for in subsection (a) of this Code section, when a defendant has sought  
22 discovery pursuant to Chapter 11 of Title 9, the 'Georgia Civil Practice Act,' pursuant to  
23 Code Section 15-11-75, or pursuant to the Uniform Rules for the Juvenile Courts of  
24 Georgia where such discovery material is the same as the discovery material that may be  
25 provided under this article when a written notice is filed pursuant to subsection (a) of this  
26 Code section.

1 ~~(c)~~(d) Except as provided under Code Section 17-16-8, this article is not intended to  
2 authorize discovery or inspection of attorney work product.

3 ~~(d)~~(e) This article shall apply also to all criminal cases in which at least one felony offense  
4 is charged which was docketed, indicted, or in which an accusation was returned prior to  
5 January 1, 1995, if both the prosecuting attorney and the defendant agree in writing that the  
6 provisions of this article shall apply to the case."

7 **SECTION 2.**

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