

House Bill 986

By: Representatives Lunsford of the 110th, Ehrhart of the 36th, Ralston of the 7th, Willard of the 49th, and Lindsey of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 24-10-130 of the Official Code of Georgia Annotated, relating to
2 when depositions to preserve testimony in criminal proceedings may be taken, so as to allow
3 depositions to be taken of persons who are not legal residents of the United States under
4 certain circumstances; to provide an effective date; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 24-10-130 of the Official Code of Georgia Annotated, relating to when
9 depositions to preserve testimony in criminal proceedings may be taken, is amended by
10 striking subsection (b) and inserting in lieu thereof the following:

11 "(b) The court shall not order the taking of the witness's testimony, except as provided in
12 paragraph (2) of subsection (a) of this Code section, unless it appears to the satisfaction of
13 the court that the testimony of the witness is material to the case and the witness:

14 (1) Is in imminent danger of death;

15 (2) Has been threatened with death or great bodily harm because of the witness's status
16 as a potential witness in a criminal trial or proceeding;

17 (3) Is about to leave the state and there are reasonable grounds to believe that such
18 witness will be unable to attend the trial;

19 (4) Is so sick or infirm as to afford reasonable grounds to believe that such witness will
20 be unable to attend the trial; ~~or~~

21 (5) Is being detained as a material witness and there are reasonable grounds to believe
22 that the witness will flee if released from detention; or

23 (6) Has not been lawfully admitted to the United States for permanent residence."

1 **SECTION 2.**

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

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.