

Senate Bill 97

By: Senators Hamrick of the 30th and Seabaugh of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated,
2 relating to conduct of criminal trial proceedings, so as to require parties to raise specific
3 objections to jury charges prior to the jury retiring to deliberate; to provide that failure to
4 raise objections shall preclude appellate review except under limited circumstances; to
5 provide for related matters; to provide for an effective date and applicability; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to
10 criminal trial proceedings, is amended by adding a new Code section to read as follows:

11 "17-8-58.

12 (a) Any party who objects to any portion of the charge to the jury or the failure to charge
13 the jury shall inform the court of the specific objection and the grounds for such objection
14 before the jury retires to deliberate. Such objections shall be done outside of the jury's
15 hearing and presence.

16 (b) Failure to object in accordance with subsection (a) of this Code section shall preclude
17 appellate review of such portion of the jury charge, unless such portion of the jury charge
18 constitutes plain error which affects substantial rights of the parties. Such plain error may
19 be considered on appeal even if it was not brought to the court's attention as provided in
20 subsection (a) of this Code section."

21 **SECTION 2.**

22 This Act shall become effective on July 1, 2007, and shall apply to all trials which occur on
23 or after July 1, 2007.

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SECTION 3.

2 All laws and parts of laws in conflict with this Act are repealed.