

Senate Bill 119

By: Senators Hamrick of the 30th and Carter of the 13th

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 17 and 24 of the Official Code of Georgia Annotated, relating to criminal
2 procedure and evidence, respectively, so as to provide victims of crime and members of their
3 immediate family with certain rights; to provide for certain procedures relating to a victim
4 of a crime or member of the immediate family; to provide for certain exemptions for a victim
5 of a crime; to provide certain requirements relating to the testimony of the victim of a crime;
6 to provide for application to certain juvenile delinquency proceedings; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Title 17 of the Official Code of Georgia Annotated, relating to the criminal procedure, is
11 amended in Chapter 17, the "Crime Victims' Bill of Rights," by adding a new Code section
12 to read as follows:

13 "17-17-17.

14 (a) Notwithstanding any other provisions of law, a member of the immediate family of a
15 victim may not be excluded from any portion of any hearing, trial, or proceeding pertaining
16 to the offense based solely on the fact that such person is subpoenaed to testify unless the
17 party subpoenaing such person establishes that such family member is a material and
18 necessary witness to such hearing, trial, or proceeding and the court finds that there is a
19 substantial probability that such person's presence would impair the conduct of a fair trial.

20 (b) The provisions of this Code section shall apply to delinquency proceedings in juvenile
21 court.

22 (c) The provisions of this Code section shall not be construed as impairing the authority
23 of a judge to remove a person from a trial or hearing or any portion thereof for the same
24 causes and in same manner as the rules of court or law provides for the exclusion or
25 removal of the defendant."

