

The Senate Judiciary Committee offered the following substitute to SB 119:

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 delinquent acts
3 and members of their immediate family with certain rights; to provide for certain procedures
4 relating to a victim of a crime or delinquent act or member of the immediate family; to
5 provide for certain exemptions for a victim of a crime or delinquent act; to provide certain
6 requirements relating to the testimony of the victim of a crime or delinquent act; to provide
7 for application to criminal proceedings and juvenile delinquency proceedings; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

14 "17-17-17.

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

21 (b) The provisions of this Code section shall apply to all criminal proceedings and
22 delinquency proceedings in juvenile court.

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

