

House Bill 1410

By: Representatives Weldon of the 3rd, Powell of the 171st, McKillip of the 115th, Lindsey of the 54th, Willard of the 49th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated,
2 relating to tolling of limitations of actions, so as to change provisions relating to the tolling
3 of limitations for tort actions while certain criminal prosecutions are pending; to provide a
4 definition; to provide for related matters; to provide for an effective date and applicability;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 5 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to tolling
9 of limitations of actions, is amended by revising Code Section 9-3-99, relating to tolling of
10 limitations for tort actions while criminal prosecution is pending, as follows:

11 "9-3-99.

12 (a) As used in this Code section, the term 'crime' means:

13 (1) A felony; or

14 (2) A misdemeanor violation of the Code that results in another person's:

15 (A) Death; or

16 (B) Bodily harm by depriving him or her of a member of his or her body, rendering a
17 member of his or her body useless, seriously disfiguring his or her body or a member
18 thereof, or by causing organic brain damage which renders his or her body or any
19 member thereof useless.

20 (b) The running of the period of limitations with respect to any cause of action in tort
21 against any party that may be brought by the victim of an alleged crime which arises out
22 of the facts and circumstances relating to the commission of such alleged crime committed
23 in this state shall be tolled from the date of the commission of the alleged crime ~~or the act~~
24 giving rise to such action in tort until the prosecution of such crime ~~or act~~ has become final
25 or otherwise terminated, or in the event that no prosecution is instituted, until the

26 investigation of the alleged crime is terminated, provided that such time does not exceed
27 six years."

28 **SECTION 2.**

29 This Act shall become effective on July 1, 2010 and shall apply to any civil action which
30 arises on or after July 1, 2010.

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.