

The House Committee on Judiciary offers the following substitute to SB 488:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 9 of the Official Code of Georgia Annotated, relating to civil practice, so as
2 to change provisions relating to the tolling of limitations for tort actions while certain
3 criminal prosecutions are pending; to provide a definition; to not recognize foreign
4 judgments in actions for defamation or injury to reputation unless such jurisdiction's laws
5 provide sufficiently similar constitutional protections as provided by courts in this state; to
6 provide for related matters; to provide for an effective date and applicability; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "9-3-99.

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

15 (1) A felony;

16 (2) Any violation of Article 15 of Chapter 6 of Title 40; or

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

18 (A) Death; or

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

23 (b) The running of the period of limitations with respect to any cause of action in tort
24 against any party that may be brought by the victim of an alleged crime which arises out
25 of the facts and circumstances relating to the commission of such alleged crime committed
26 in this state shall be tolled from the date of the commission of the alleged crime ~~or the act~~

27 giving rise to such action in tort until the prosecution of such crime ~~or act~~ has become final
 28 or otherwise terminated, provided that such time does not exceed six years."

29 **SECTION 2.**

30 Said title is further amended by revising Code Section 9-12-114, relating to when a foreign
 31 judgment is not recognized, as follows:

32 "9-12-114.

33 A foreign judgment shall not be recognized if:

34 (1) The judgment was rendered under a system which does not provide impartial
 35 tribunals or procedures compatible with the requirements of due process of law;

36 (2) The foreign court did not have personal jurisdiction over the defendant;

37 (3) The foreign court did not have jurisdiction over the subject matter;

38 (4) The defendant in the proceedings in the foreign court did not receive notice of the
 39 proceedings in sufficient time to enable him or her to defend;

40 (5) The judgment was obtained by fraud;

41 (6) The cause of action on which the judgment is based is repugnant to the public policy
 42 of this state;

43 (7) The judgment conflicts with another final and conclusive judgment;

44 (8) The proceedings in the foreign court were contrary to an agreement between the
 45 parties under which the dispute in question was to be settled otherwise than by
 46 proceedings in that court;

47 (9) In the case of jurisdiction based only on personal service, the foreign court was a
 48 seriously inconvenient forum for the trial of the action; ~~or~~

49 (10) The party seeking to enforce the judgment fails to demonstrate that judgments of
 50 courts of the United States and of states thereof of the same type and based on
 51 substantially similar jurisdictional grounds are recognized and enforced in the courts of
 52 the foreign state; or

53 (11)(A) The judgment was based on a cause of action for defamation or injury to
 54 reputation, unless a court sitting in this state before which the matter is brought first
 55 determines that the law which applied in the foreign state's court's adjudication
 56 provided at least as much protection for freedom of speech and press as would be
 57 provided by the United States Constitution and the Georgia Constitution.

58 (B) For the purposes of rendering declaratory relief with respect to a person's liability
 59 under this paragraph, the courts of this state shall have personal jurisdiction over any
 60 person who is subject to the jurisdiction of this state by virtue of bringing a proceeding
 61 in this state to domesticate or enforce a foreign judgment, is subject to the general
 62 jurisdiction of this state, or is subject to the jurisdiction of this state pursuant to Article

63 4 of Chapter 10 of this title, and who obtains a foreign judgment in a proceeding for
64 defamation or injury to reputation against any person who:
65 (i) Is a resident of this state;
66 (ii) Is a person or entity amenable to the jurisdiction of this state;
67 (iii) Has assets in this state; or
68 (iv) May have to take action in this state to comply with such judgment.
69 (C) This paragraph shall apply to foreign judgments rendered on or after July 1, 2010,
70 in proceedings for defamation or injury to reputation."

71 **SECTION 3.**

72 This Act shall become effective on July 1, 2010, and Section 1 of this Act shall apply to any
73 civil action which arises on or after July 1, 2010.

74 **SECTION 4.**

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