

House Bill 323 (AS PASSED HOUSE AND SENATE)

By: Representatives Ralston of the 7th and Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated,
2 relating to the death penalty generally, so as to extend the period of review for the Supreme
3 Court's consideration of applications for pretrial proceedings in cases in which the death
4 penalty is sought; to clarify provisions relating to the assistant to the Supreme Court; 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 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the
10 death penalty generally, is amended by revising subsection (d) of Code Section 17-10-35.1,
11 relating to review of pretrial proceedings in cases in which the death penalty is sought, as
12 follows:

13 "(d) The Supreme Court shall issue an order granting review of the pretrial proceedings,
14 or portions thereof, or denying review within ~~20~~ 45 days of the date on which the case was
15 received. The order of the Supreme Court shall identify the matters which shall be subject
16 to review, and such matters may include, but need not be limited to, any matters called to
17 the court's attention in any of the reports or in any application for appeal. No notice of
18 appeal shall be required to be filed if review of the pretrial proceedings is granted. An
19 order granting review of pretrial proceedings shall specify the period of time within which
20 each party shall file briefs and reply briefs with respect to the matters identified in the
21 Supreme Court's order granting review. The Supreme Court may order oral argument or
22 may render a decision on the record and the briefs."

23 **SECTION 2.**

24 Said article is further amended by revising Code Section 17-10-37, relating to the review of
25 death sentences and the assistant to the Supreme Court, as follows:

26 "17-10-37.

27 (a) There shall be an assistant to the Supreme Court who shall be an attorney appointed
28 by the Chief Justice and who shall serve at the pleasure of the court. ~~The court shall~~
29 ~~accumulate the records of all capital felony cases in which sentence was imposed after~~
30 ~~January 1, 1970, or such earlier date as the court may deem appropriate. The assistant shall~~
31 ~~provide the court with whatever extracted information it desires with respect thereto,~~
32 ~~including, but not limited to, a synopsis or brief of the facts in the record concerning the~~
33 ~~crime and the defendant. The assistant shall assist the Supreme Court in the review of all~~
34 ~~death sentences.~~

35 (b) The court shall be authorized to employ an appropriate staff and such methods to
36 compile such data as are deemed by the Chief Justice to be appropriate and relevant to the
37 statutory questions concerning the validity of the sentence reviewed in accordance with
38 Code Section 17-10-35.

39 ~~(c) The office of the assistant shall be attached for administrative purposes to the office of~~
40 ~~the clerk of the Supreme Court of Georgia."~~

41 **SECTION 3.**

42 This Act shall become effective on July 1, 2010, and shall apply to any case docketed on or
43 after such date.

44 **SECTION 4.**

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