

House Bill 896

By: Representatives Collins of the 27th, Hamilton of the 23rd, Allison of the 8th, Maddox of the 127th, Yates of the 73rd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated,
2 relating to continuances, so as to change provisions relating to a continuance in a speedy trial
3 demand case involving a witness who is on active duty as a member of the National Guard
4 or component of the armed forces of the United States; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to
9 continuances, is amended by revising subsection (c) of Code Section 17-8-31, relating to
10 grounds for granting of continuances in certain cases involving certain military personnel,
11 as follows:

12 "(c) In cases in which a demand for speedy trial has been filed in accordance with Code
13 Section 17-7-170 or 17-7-171, the court shall grant the continuance if the party moving for
14 a continuance pursuant to subsection (b) of this Code section establishes by testimony,
15 affidavits, or other evidence that:

- 16 (1) The witness is material and necessary;
- 17 (2) The witness is located outside the territorial limits of the state;
- 18 (3) ~~The party has submitted a request to the proper military authorities for the testimony~~
19 ~~of the witness in accordance with Section 301 of Title 5 of the United States Code and~~
20 ~~federal regulations or directives issued by the armed forces pursuant thereto~~ witness has
21 been activated to duty outside of the continental United States; and
- 22 (4) The witness will not be available within the time limits prescribed by Code Section
23 17-7-170 or 17-7-171.

24 This continuance shall toll the running of the demand for speedy trial and shall continue
25 the trial until the witness is released from active duty or the military makes the witness
26 available to testify. If the witness only becomes available to testify within the last two

27 weeks of the term of court in which the case must be tried, the case may be tried at the next
28 succeeding term of court."

29 **SECTION 2.**

30 All laws and parts of laws in conflict with this Act are repealed.