

Senate Bill 312

By: Senator Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated,
2 relating to indictments, so as to change provisions relating to the procedure for indictment
3 of a peace officer for crimes in the performance of his or her duties; to change provisions
4 relating to the rights of the officer; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 3 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to
9 indictments, is amended by revising Code Section 17-7-52, relating to the procedure for
10 indictment of a peace officer for a crime in the performance of his or her duties, as follows:

11 "17-7-52.

12 (a) Before an indictment against a present or former peace officer charging the officer with
13 a crime which is alleged to have occurred while he or she was in the performance of his or
14 her duties is returned by a grand jury, the officer shall be notified of the contemplated
15 action by the district attorney of the county wherein the grand jury shall convene and the
16 officer shall be afforded the rights provided in Code Section 45-11-4; provided, however,
17 that if the peace officer is charged with any crime involving the death of another human
18 being, the peace officer shall be subject to cross examination at an appearance before the
19 grand jury.

20 (b) The requirements of subsection (a) of this Code section shall apply to all prosecutions,
21 whether for misdemeanors or felonies, and no such prosecution shall proceed either in state
22 or superior court without a grand jury indictment."

23 **SECTION 2.**

24 All laws and parts of laws in conflict with this Act are repealed.