

The House Committee on Judiciary offers the following substitute to SB 31:

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated so as to revise various provisions relating
2 to trial proceedings and evidence; to amend Chapter 5 of Title 24 of the Official Code of
3 Georgia Annotated, relating to privileges, so as to extend the attorney-client privilege to third
4 persons under certain circumstances; to provide for definitions; to amend Article 1 of
5 Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to general
6 provision for damages, so as to change provisions relating to the reduction of earnings to
7 present value; to provide for determining the present value of certain future damages; to
8 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to privileges, is
13 amended by revising subsection (b) of Code Section 24-5-501, relating to certain privileged
14 communications, as follows:

15 "(b) As used in this Code section, the term:

16 (1) 'Client' means a person who is represented by or is seeking representation from an
17 attorney or who has been provided a court appointed attorney or public defender. Such
18 term shall include a minor's parent if the minor is accused of a crime or delinquent act or
19 is seeking counsel in such matter; provided, however, that when the person is a minor
20 accused of a crime or delinquent act, only the minor has the right to waive the
21 attorney-client privilege.

22 (2) 'Parent' means:

23 (A) The legal mother of the child, as defined in Code Section 15-11-2;

24 (B) The legal father of the child, as defined in Code Section 15-11-2;

25 (C) The stepparent of the child;

26 (D) The legal guardian of the child;

27 (E) The foster parent of the child; and

- 28 (F) A person to whom legal custody of the child has been given by order of a court.
 29 (3) 'Psychotherapy' means the employment of psychotherapeutic techniques.
 30 (4) 'Psychotherapeutic techniques' shall have the same meaning as provided in Code
 31 Section 43-10A-3."

32 **SECTION 2.**

33 Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to
 34 general provision for damages, is amended by revising Code Section 51-12-13, relating to
 35 reduction of earnings to present value, as follows:

36 "51-12-13.

37 (a) In determining the present value of future medical expenses, living expenses, lost
 38 wages, or other economic damages, the trier of fact may reduce the same to the present
 39 value based on: It shall be lawful for the trier of fact, in determining the present value of
 40 any future earnings, annuity, or amounts, to reduce the same to the present value upon the
 41 basis of interest calculated at 5 percent per annum.

42 (1) Expert testimony; or

43 (2) A discount rate of 5 percent.

44 (b) This Code section shall not be construed to provide for the introduction of evidence
 45 showing the cost of any specific private investment product, including, but not limited to,
 46 an annuity."

47 **SECTION 3.**

48 This Act shall become effective on January 1, 2013.

49 **SECTION 4.**

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