

Senate Bill 368

By: Senators Bethel of the 54th, Ginn of the 47th, Gooch of the 51st, Hill of the 32nd,  
Chance of the 16th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 9-11-41 of the Official Code of Georgia Annotated, relating to  
2 dismissal of actions, so as to change provisions relating to a plaintiff's right to dismiss an  
3 action; to provide for related matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

6 Code Section 9-11-41 of the Official Code of Georgia Annotated, relating to dismissal of  
7 actions, is amended by revising subparagraph (a)(1)(A) as follows:

8 "(A) By filing a written notice of dismissal ~~at any time~~ before the ~~first witness is sworn~~  
9 entry of a pretrial order or the filing of a responsive pleading to a motion for summary  
10 judgment, whichever first occurs; provided, however, that the court shall not allow a  
11 plaintiff to voluntarily dismiss a case pursuant to this subsection if such dismissal  
12 would cause prejudice to any defendant; or"

13 style="text-align:center">**SECTION 2.**

14 All laws and parts of laws in conflict with this Act are repealed.