

House Bill 256

By: Representatives Fleming of the 121<sup>st</sup>, Powell of the 171<sup>st</sup>, Willard of the 51<sup>st</sup>, Beskin of the 54<sup>th</sup>, and Strickland of the 111<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to  
2 judgments and rulings deemed directly appealable; procedure for review of judgments,  
3 orders, or decisions not subject to direct appeal; scope of review; hearings in criminal cases  
4 involving a capital offense for which death penalty is sought; and appeals involving  
5 nonmonetary judgments in child custody cases, so as to provide that certain judgments,  
6 orders, or rulings denying or refusing to grant certain immunities may be directly appealable  
7 to the Supreme Court and the Court of Appeals; to provide for related matters; to provide for  
8 an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to judgments and  
12 rulings deemed directly appealable; procedure for review of judgments, orders, or decisions  
13 not subject to direct appeal; scope of review; hearings in criminal cases involving a capital  
14 offense for which death penalty is sought; and appeals involving nonmonetary judgments in  
15 child custody cases, is amended in subsection (a) by deleting "and" at the end of paragraph  
16 (12), by replacing the period with "; and" at the end of paragraph (13), and by adding a new  
17 paragraph to read as follows:

18 "(14) All judgments, orders, or rulings denying or refusing to grant immunity to one or  
19 more parties based upon sovereign, official, qualified, or any other immunity established  
20 by the United States Constitution or the Constitution or laws of this state, when such  
21 party or parties are governmental entities, officials, employees, or agents."

22 SECTION 2.

23 This Act shall become effective upon its approval by the Governor or upon its becoming law  
24 without such approval.

25

**SECTION 3.**

26 All laws and parts of laws in conflict with this Act are repealed.