

Senate Bill 127

By: Senators Kennedy of the 18th, Shafer of the 48th, Albers of the 56th, Black of the 8th, Kirk of the 13th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 17-17-15 of the Official Code of Georgia Annotated, relating to the
2 failure to provide notice not rendering responsible person liable or comprising a basis for
3 error, the chapter not conferring standing, existing rights not affected, and waiver of rights
4 by victim, so as to allow a victim to file a motion in a criminal case to assert certain rights;
5 to provide for procedure; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Code Section 17-17-15 of the Official Code of Georgia Annotated, relating to the failure to
10 provide notice not rendering responsible person liable or comprising a basis for error, the
11 chapter not conferring standing, existing rights not affected, and waiver of rights by victim,
12 is amended by revising subsection (c) as follows:

13 "(c)(1) Except as provided in this subsection, this chapter shall ~~This chapter does not~~
14 confer upon a victim any standing to participate as a party in a criminal proceeding or to
15 contest the disposition of any charge.

16 (2)(A) When a victim has made a written request to the prosecuting attorney to be
17 notified of all proceedings and has provided contact information to the prosecuting
18 attorney, and such victim asserts that he or she was not provided notification of a
19 proceeding, he or she may file a motion requesting to be heard on such matter. When
20 a victim has made a written request to the prosecuting attorney to be heard according
21 to the provisions of this chapter in a criminal proceeding and alleges that he or she was
22 not given such opportunity by the prosecuting attorney or court, such victim may file
23 a motion requesting to be heard on such matter. When a victim alleges that any other
24 provision of this chapter has not been complied with, such victim may file a motion
25 alleging such deficiency and requesting to be heard on such matter.

26 (B) Such motion shall be filed as soon as possible, but not later than 20 days after the
27 claimed denial. Such motion shall be filed in the criminal case and the victim shall
28 provide a copy of the motion to the prosecuting attorney and the defendant.

29 (3) When the victim's motion alleges potential failures by the prosecuting attorney, the
30 prosecuting attorney may recuse in accordance with Code Section 15-18-5 or 15-18-65,
31 as applicable. When the victim's motion alleges potential failures by the court, the judge
32 may recuse in accordance with Code Section 15-1-8.

33 (4) The court may set the motion for a hearing or issue an order disposing of the motion."

34 **SECTION 2.**

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