

House Bill 660

By: Representative Clark of the 98th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 10 of Title 9 and Article 2 of Chapter 8 of Title 17 of the
2 Official Code of Georgia Annotated, relating to continuances relative to civil practice and
3 procedure and continuances relative to trial, respectively, so as to eliminate stays and
4 continuances for members and staff of the General Assembly at times when the General
5 Assembly is not in session; to provide for related matters; to provide for an effective date;
6 to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
10 continuances relative to civil practice and procedure, is amended by revising Code
11 Section 9-10-150, relating to grounds for continuance of a member of the General Assembly,
12 as follows:

13 "9-10-150.

14 A member of the General Assembly who is a party to or the attorney for a party to a case,
15 or any member of the staff of the Lieutenant Governor, the Speaker of the House of
16 Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the
17 House of Representatives, or the chairperson of the Judiciary Committee or Special
18 Judiciary Committee of the Senate or of the Judiciary Committee or Judiciary, Non-civil
19 Committee of the House of Representatives who is the lead counsel for a party to a case
20 pending in any trial or appellate court or before any administrative agency of this state,
21 shall be granted a continuance and stay of the case. The continuance and stay shall apply
22 to all aspects of the case, including, but not limited to, the filing and serving of an answer
23 to a complaint, the making of any discovery or motion, or of any response to any subpoena,
24 discovery, or motion, and appearance at any hearing, trial, or argument. Unless a shorter
25 length of time is requested by the member, the continuance and stay shall last the length
26 of any regular or extraordinary session of the General Assembly and during the first three

27 weeks following any recess or adjournment including an adjournment sine die of any
 28 regular or extraordinary session. ~~A continuance and stay shall also be granted for such~~
 29 ~~other times as the member of the General Assembly or staff member certifies to the court~~
 30 ~~that his or her presence elsewhere is required by his or her duties with the General~~
 31 ~~Assembly.~~ Notwithstanding any other provision of law, rule of court, or administrative
 32 rule or regulation, the time for doing any act in the case which is delayed by the
 33 continuance provided by this Code section shall be automatically extended by the same
 34 length of time as the continuance or stay covered."

35 **SECTION 2.**

36 Article 2 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to
 37 continuances relative to trial, is amended by revising Code Section 17-8-26, relating to
 38 grounds for granting of continuances when a party or such party's attorney is in attendance
 39 at General Assembly, as follows:

40 "17-8-26.

41 (a) A member of the General Assembly who is a party to or the attorney for a party to a
 42 case which is pending in any trial or appellate court or before any administrative agency
 43 of this state shall be granted a continuance and stay of the case. The continuance and stay
 44 shall apply to all aspects of the case, including, but not limited to, the filing and serving of
 45 an answer to a complaint, the making of any discovery or motion, or of any response to any
 46 subpoena, discovery, or motion, and appearance at any hearing, pretrial appearance,
 47 arraignment, plea or motion calendar, trial, or argument. When a case, motion, hearing,
 48 or argument is called and is subject to a continuance or stay under this Code section due
 49 to the party's attorney's membership in the General Assembly, the party shall not be
 50 required to be present at the call of the case, motion, hearing, or argument. Unless a shorter
 51 length of time is requested by the member, the continuance and stay shall last the length
 52 of any regular or extraordinary session of the General Assembly and during the first three
 53 weeks following any recess or adjournment, including an adjournment sine die of any
 54 regular or extraordinary session. Notwithstanding any other provision of law, rule of court,
 55 or administrative rule or regulation, and to the extent permitted by the Constitutions of the
 56 United States and of the State of Georgia, the time for doing any act in the case which is
 57 delayed by the continuance or stay provided by this Code section shall be automatically
 58 extended by the same length of time as the continuance or stay covered.

59 ~~(b) A continuance and stay shall also be granted for such other times as the member of the~~
 60 ~~General Assembly or staff member certifies to the court that his or her presence elsewhere~~
 61 ~~is required by his or her duties with the General Assembly."~~

62 **SECTION 3.**

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

65 **SECTION 4.**

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