

The House Committee on Judiciary Non-Civil offers the following substitute to HB 371:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 13 of Title 24 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding securing attendance of witnesses and production and
3 preservation of evidence, so as to provide that certain proceedings may be conducted by
4 video conference; to provide for requirements for such proceedings; to provide for legislative
5 intent; to provide for related matters; to provide for an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that the proceedings set forth in this Act are authorized under
10 existing rule and laws and the inclusion of the procedures set forth in this Act is merely
11 intended to codify existing practices.

12 **SECTION 2.**

13 Article 1 of Chapter 13 of Title 24 of the Official Code of Georgia Annotated, relating to
14 general provisions regarding securing attendance of witnesses and production and
15 preservation of evidence, is amended by adding a new Code section to read as follows:

H. B. 371 (SUB)

16 "24-13-8.

17 (a) A judge of any class of court or justice of this state may conduct hearings by telephone
18 or video conference to the extent and in the manner permitted by the applicable provisions
19 of the uniform rules of the relevant class of court. Judges, justices, or hearing officers
20 acting under the Office of State Administrative Hearings and judges, justices, or hearing
21 officers acting under the Georgia Tax Tribunal may conduct hearings by telephone or video
22 conference to the extent and in the manner permitted by the provisions of the Uniform
23 Rules of the Superior Courts that would apply if the hearing were to have been conducted
24 by a judge of the superior court.

25 (b) Judges of all classes of court and justices who are authorized or required to administer
26 oaths may do so by video conference in accordance with the technical standards of the
27 uniform rules of the relevant class of court.

28 (c) Notwithstanding the provisions of other subsections of this Code section to the
29 contrary, video conferencing shall not be authorized for use in any criminal trial where the
30 accused's guilt or innocence is to be determined unless otherwise authorized by law or
31 court rule.

32 (d) Notwithstanding any other provision of law, where proceedings are conducted
33 remotely pursuant to this Code section and in accordance with the applicable uniform rules
34 of the relevant class of court, the judge or justice shall not be required to be physically
35 present in the courtroom.

36 (e) For proceedings conducted pursuant to this Code section and in compliance with the
37 applicable uniform rules of the relevant class of court, such proceedings shall be deemed
38 to have been conducted in open court, provided that the judge or justice and clerk of court
39 are participating in the proceeding and the public is given access to observe the proceeding,
40 whether in the courtroom or remotely."

41 **SECTION 3.**

42 This Act shall become effective on July 1, 2021.

43 **SECTION 4.**

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