

The Senate Committee on Judiciary offered 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 automatic
5 repeal; to provide for legislative intent; to provide for related matters; to provide for an
6 effective date; to repeal conflicting 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:

16 "24-13-8.

17 (a) A judge of any class of court or justice of this state may conduct nonevidentiary
18 hearings by telephone or video conference to the extent and in the manner permitted by the
19 applicable provisions of the uniform rules of the relevant class of court. Administrative
20 law judges of the Office of State Administrative Hearings and the Georgia Tax Tribunal
21 may conduct hearings by telephone or video conference to the extent and in the manner
22 permitted by the provisions of Chapter 13 of Title 50, the 'Georgia Administrative
23 Procedure Act.'

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

27 (c) Notwithstanding the provisions of other subsections of this Code section to the
28 contrary, video conferencing shall not be authorized for use in any criminal or civil trial.

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

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

38 (f) This Code section shall be repealed in its entirety on June 30, 2022."

39

SECTION 3.

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

42

SECTION 4.

43 All laws and parts of laws in conflict with this Act are repealed.