

House Bill 218

By: Representatives Hilton of the 48th, Cooper of the 45th, Leverett of the 123rd, Silcox of the 53rd, and Reeves of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated,
2 relating to admissions and confessions, so as to provide for sexual assault hearsay for
3 disabled adults and 17 year olds; to provide for related matters; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated, relating to
8 admissions and confessions, is amended by adding a new Code section to read as follows:

9 "24-8-827.

10 A statement made by a disabled adult, as defined in paragraph (3) of Code Section
11 16-5-100, or a 17 year old who is mentally or physically incapacitated, as defined in
12 paragraph (7.1) of Code Section 16-5-100, that describes any act of nonconsensual sexual
13 contact or any act of physical abuse performed with or on such disabled adult or 17 year
14 old by another, or with or on another in the presence of such disabled adult or 17 year old,
15 shall be admissible in evidence by the testimony of the person to whom such statement was
16 made if the proponent of such statement provides pretrial notice to the adverse party of the

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17 intention to use such out-of-court statement and if such disabled adult or 17 year old
18 testifies at the trial, unless the adverse party forfeits or waives such disabled adult's or 17
19 year old's testimony as provided in this title, and, at the time of the testimony regarding
20 such out-of-court statements, the person to whom the disabled adult or 17 year old made
21 such statement is subject to cross-examination regarding the out-of-court statements."

22

SECTION 2.

23 All laws and parts of laws in conflict with this Act are repealed.