

House Bill 895

By: Representatives Crowe of the 110th, Gunter of the 8th, Thomas of the 21st, and Smith of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to
2 discovery in criminal procedure, so as to provide for restrictions of the disclosure of certain
3 personally identifiable information of nonsworn employees of a law enforcement agency
4 who are witnesses in felony and misdemeanor criminal cases; to amend Chapter 5 of Title 24
5 of the Official Code of Georgia Annotated, relating to privileges concerning evidence, to
6 provide that a nonsworn employee of law enforcement agencies testifying in his or her
7 official capacity in any criminal proceeding shall not be compelled to reveal his or her home
8 address; to provide for related matters; to provide for contingent effectiveness; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to discovery in
13 criminal procedure, is amended by revising subsection (b) of Code Section 17-16-8, relating
14 to lists of names and information concerning witnesses in felony cases, as follows:

15 "(b) Nothing in this Code section shall be construed to require the prosecuting attorney to
16 furnish the home address, date of birth, or home telephone number of a witness who is a

17 law enforcement officer or a nonsworn employee of a law enforcement agency. Instead,
18 in such cases, the prosecuting attorney shall furnish to the defense attorney the ~~law~~
19 ~~enforcement officer's~~ current work location and work phone number of the law
20 enforcement officer or nonsworn employee of a law enforcement agency."

21 **SECTION 2.**

22 Said chapter is further amended by revising Code Section 17-16-21, relating to the right of
23 the defendant to copy of indictment or accusation and list of witnesses in misdemeanor cases,
24 as follows:

25 "17-16-21.

26 (a) Prior to arraignment, every person charged with a criminal offense shall be furnished
27 with a copy of the indictment or accusation and, on demand, with a list of the witnesses on
28 whose testimony the charge against such person is founded. Without the consent of the
29 defendant, no witness shall be permitted to testify for the state whose name does not appear
30 on the list of witnesses as furnished to the defendant unless the prosecuting attorney shall
31 state that the evidence sought to be presented is newly discovered evidence which the state
32 was not aware of at the time of its furnishing the defendant with a list of the witnesses.

33 (b) Nothing in this Code section shall be construed to require any person charged with a
34 criminal offense to be furnished the home address, date of birth, or home telephone number
35 of a witness who is a law enforcement officer or a nonsworn employee of a law
36 enforcement agency. Instead, in such cases, such person shall be furnished with the current
37 work location and work phone number of the law enforcement officer or nonsworn
38 employee of a law enforcement agency."

39

SECTION 3.

40 Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to privileges
41 concerning evidence, is amended by revising Code Section 24-5-504, relating to law
42 enforcement officers testifying and home address, as follows:

43 "24-5-504.

44 Any law enforcement officer or nonsworn employee of a law enforcement agency
45 testifying in his or her official capacity in any criminal proceeding shall not be compelled
46 to reveal his or her home address. Such officer or nonsworn employee may be required to
47 divulge the business address of his or her employer, and the court may require any law
48 enforcement officer or nonsworn employee of a law enforcement agency to answer
49 questions as to his or her home address whenever such fact may be material to any issue
50 in the proceeding."

51

SECTION 4.

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