

House Bill 895 (COMMITTEE SUBSTITUTE)

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

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 provide for contact  
5 information for certain law enforcement officers and nonsworn employees of law  
6 enforcement agencies, subject to certain conditions; to amend Chapter 5 of Title 24 of the  
7 Official Code of Georgia Annotated, relating to privileges concerning evidence, so as to  
8 provide that a nonsworn employee of law enforcement agencies testifying in his or her  
9 official capacity in any criminal proceeding shall not be compelled to reveal his or her home  
10 address; to provide for related matters; to provide for contingent effectiveness; to repeal  
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to discovery in  
15 criminal procedure, is amended by revising subsection (b) and adding a new subsection to

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16 Code Section 17-16-8, relating to lists of names and information concerning witnesses in  
17 felony cases, as follows:

18 "(b) Nothing in this Code section shall be construed to require the prosecuting attorney to  
19 furnish the home address, date of birth, or home telephone number of a witness who is a  
20 law enforcement officer or a nonsworn employee of a law enforcement agency. Instead,  
21 in such cases, the prosecuting attorney shall furnish to the ~~defense attorney~~ attorney for the  
22 accused or, if pro se, to the accused, the ~~law enforcement officer's~~ current work location  
23 and work phone number of the law enforcement officer or nonsworn employee of a law  
24 enforcement agency.

25 (c) Any formerly employed or retired law enforcement officer or nonsworn employee of  
26 a law enforcement agency may use the address and phone number of the last agency where  
27 he or she was employed as his or her contact information for purposes of this Code section.  
28 Use of this subsection by an officer or employee shall constitute a waiver of any claim by  
29 such officer or employee as to any defect of service or notice of hearing if the service or  
30 notice was provided to the designated law enforcement agency and shall impose an  
31 affirmative obligation on such officer or employee to keep current his or her personal  
32 address and phone number information with such agency."

33

## SECTION 2.

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

37 "17-16-21.

38 (a) Prior to arraignment, every person charged with a criminal offense shall be furnished  
39 with a copy of the indictment or accusation and, on demand, with a list of the witnesses on  
40 whose testimony the charge against such person is founded. Without the consent of the  
41 defendant, no witness shall be permitted to testify for the state whose name does not appear

42 on the list of witnesses as furnished to the defendant unless the prosecuting attorney shall  
43 state that the evidence sought to be presented is newly discovered evidence which the state  
44 was not aware of at the time of its furnishing the defendant with a list of the witnesses.

45 (b) Nothing in this Code section shall be construed to require any person charged with a  
46 criminal offense to be furnished the home address, date of birth, or home telephone number  
47 of a witness who is a law enforcement officer or a nonsworn employee of a law  
48 enforcement agency. Instead, in such cases, such person shall be furnished with the current  
49 work location and work phone number of the law enforcement officer or nonsworn  
50 employee of a law enforcement agency.

51 (c) Any formerly employed or retired law enforcement officer or nonsworn employee of  
52 a law enforcement agency may use the address and phone number of the last agency where  
53 he or she was employed as his or her contact information for purposes of this Code section.  
54 Use of this subsection by an officer or employee shall constitute a waiver of any claim by  
55 such officer or employee as to any defect of service or notice of hearing if the service or  
56 notice was provided to the designated law enforcement agency and shall impose an  
57 affirmative obligation on such officer or employee to keep current his or her personal  
58 address and phone number information with such agency."

59 **SECTION 3.**

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

63 "24-5-504.

64 Any law enforcement officer or nonsworn employee of a law enforcement agency  
65 testifying in his or her official capacity in any criminal proceeding shall not be compelled  
66 to reveal his or her home address. Such officer or nonsworn employee may be required to  
67 divulge the business address of his or her employer, and the court may require any law

68 enforcement officer or nonsworn employee of a law enforcement agency to answer  
69 questions as to his or her home address whenever such fact may be material to any issue  
70 in the proceeding."

71

**SECTION 4.**

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