

House Bill 545

By: Representative Jones of the 60th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 5-6-42 of the Official Code of Georgia Annotated, relating to
2 procedure for preparation and filing of transcript of evidence and proceedings where
3 appellant designates matter to be omitted from record on appeal and extensions of time for
4 completion of transcript, so as to provide for transcript requests; to provide a short title; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Terry Act."

9 **SECTION 2.**

10 Code Section 5-6-42 of the Official Code of Georgia Annotated, relating to procedure for
11 preparation and filing of transcript of evidence and proceedings where appellant designates
12 matter to be omitted from record on appeal and extensions of time for completion of
13 transcript, is amended by revising said Code section as follows:

14 "5-6-42.
15 If the appellant designates any matter to be omitted from the record on appeal as provided
16 in Code Section 5-6-37, the appellee may, within 15 days of serving of the notice of appeal
17 by appellant, file a designation of record designating that all or part of the omitted matters
18 be included in the record on appeal. A copy of the designation shall be served on all other
19 parties in the manner prescribed by Code Section 5-6-32. Where there is a transcript of
20 evidence and proceedings to be included in the record on appeal, the appellant shall cause
21 the transcript to be prepared ~~and filed as provided by Code Section 5-6-41;~~ by filing the
22 notice of appeal with the clerk of the court, and shall request the transcripts from the court
23 reporter listed on the notice of appeal. The court reporter shall file the transcripts with the
24 clerk of the court as provided by Code Section 5-6-41; but, when the appellant has
25 designated that the transcript not be made a part of the record on appeal and its inclusion
26 is by reason of a designation thereof by appellee, the appellee shall cause the transcript to
27 be prepared and filed as referred to in Code Section 5-6-41 at ~~his~~ the appellee's expense.
28 The party having the responsibility of filing the transcript shall cause it to be filed within
29 30 days after filing of the notice of appeal or designation by appellee, as the case may be,
30 unless the time is extended as provided in Code Section 5-6-39. In all cases, it shall be the
31 duty of the trial judge to grant such extensions of time as may be necessary to enable the
32 court reporter to complete his or her transcript of evidence and proceedings."

33 **SECTION 3.**

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