

Senate Bill 298

By: Senator Robertson of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to
2 judgments and rulings deemed directly appealable, procedure for review of judgments,
3 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
4 involving a capital offense for which death penalty is sought, and appeals involving
5 nonmonetary judgments in child custody cases, so as to provide for certain appellate
6 procedures regarding the denial of sovereign and any other immunity available to the state
7 or a city or county in this state; to provide for time limitations; to provide for statutory
8 construction; to provide for related matters; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to judgments and
13 rulings deemed directly appealable, procedure for review of judgments, orders, or decisions
14 not subject to direct appeal, scope of review, hearings in criminal cases involving a capital
15 offense for which death penalty is sought, and appeals involving nonmonetary judgments in

16 child custody cases, is amended in subsection (a) by revising paragraphs (12) and (13) and
17 by adding a new paragraph to read as follows:

18 "(12) All judgments or orders entered pursuant to Code Section 35-3-37; and
19 (13) All judgments or orders entered pursuant to Code Section 9-11-11.1; and
20 (14) All judgments, orders, or rulings denying or refusing to grant immunity to one or
21 more parties based upon sovereign, municipal, official, qualified, or any other immunity
22 established by the United States Constitution or the Constitution, laws, or common law
23 of this state shall have the right of direct appeal under this paragraph, and such right shall
24 be exercised within thirty days of any judgment, order, or ruling. This paragraph shall
25 not preclude taking an appeal pursuant to any other paragraph in this subsection."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.