

The House Committee on Judiciary, Non-Civil offers the following substitute to SB 163:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 17, Article 6 of Chapter 2 of Title 21, and Article 2 of Chapter 13 of Title 24
2 of the Official Code of Georgia Annotated, relating to criminal procedure, registration of
3 voters, and subpoenas and notice to produce, respectively, so as to modify provisions relating
4 to motions and discovery in criminal cases and provide greater protection to law enforcement
5 officers involved in court proceedings; to modernize discovery processes; to provide for
6 notice of accusations and indictments; to provide for definitions; to provide for reciprocal
7 discovery information by the accused in certain misdemeanor cases; to provide for
8 procedures; to revise provisions relating to expert witnesses and disclosures; to revise
9 provisions relating to confidentiality of address information of certain registered electors; to
10 revise provisions relating to service of subpoenas; to amend Code Section 35-3-151 of the
11 Official Code of Georgia Annotated, relating to responsibilities of the Division of Forensic
12 Sciences, so to correct a cross-reference; to provide for related matters; to provide for an
13 effective date and applicability; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 163 (SUB)

- 1 -

15 **SECTION 1.**

16 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure is
17 amended by revising Code Section 17-7-54, relating to form of indictment by grand jury, by
18 adding a new subsection to read as follows:

19 "(c) An indictment substantially complying with the forms provided in this Code section
20 shall in all cases be sufficient and the state or prosecuting attorney shall mail or email a
21 copy of an indictment filed with the court to the defendant and his or her attorney of record,
22 if known, within five days of such filing, unless such defendant's arraignment is scheduled
23 to occur within such five-day period."

24 **SECTION 2.**

25 Said title is further amended by revising subsection (c) of Code Section 17-7-70.1, relating
26 to trial upon accusations in certain felony and misdemeanor cases and trial upon plea of
27 guilty or nolo contendere, as follows:

28 "(c) An accusation substantially complying with the ~~form~~ forms provided in
29 subsections (d) and (e) of Code Section 17-7-71 shall in all cases be sufficient and the state
30 or prosecuting attorney shall mail a copy of an accusation filed with the court to the
31 defendant and his or her attorney of record, if known, within five days of such filing, unless
32 such defendant's arraignment is scheduled to occur within such five-day period."

33 **SECTION 3.**

34 Said title is further amended by revising Code Section 17-7-110, relating to time for filing
35 pretrial motions, as follows:

36 "17-7-110.

37 Unless the time for filing is extended by the court, all ~~At~~ pretrial motions, including
38 demurrers and special pleas, shall be filed within ten days after the date of arraignment;
39 ~~unless the time for filing is extended by the court;~~ provided, however, that, when the

40 accused has opted into discovery pursuant to Article 1 of Chapter 16 of this title, such
41 pretrial motions shall be filed within 30 days of the state's or prosecuting attorney's
42 compliance with its discovery obligations and not later than 30 days prior to trial. If the
43 state or prosecuting attorney serves discovery within 30 days of trial, the state shall file a
44 notice with the court identifying such items served. The court shall determine whether the
45 defendant may be granted leave to file additional motions based upon the items disclosed
46 in the state's notice and shall set a deadline for the filing of any such motions."

47 **SECTION 4.**

48 Said title is further amended by revising Articles 1 and 2 of Chapter 16, relating to
49 definitions and felony cases relative to discovery and misdemeanor cases relative to
50 discovery, respectively, as follows:

51 "ARTICLE 1

52 17-16-1.

53 As used in this chapter, the term:

54 (1) 'Possession, custody, or control of the state or ~~prosecution~~ prosecuting attorney'
55 means an item which is within the possession, custody, or control of the state or
56 prosecuting attorney or any law enforcement agency involved in the investigation of the
57 case being prosecuted.

58 (2) 'Statement of a witness' means:

59 (A) A written or recorded statement, or copies thereof, made by the witness that is
60 signed or otherwise adopted or approved by the witness;

61 (B) A substantially verbatim recital of an oral statement made by the witness that is
62 recorded contemporaneously with the making of the oral statement and is contained in

63 a stenographic, mechanical, electrical, body-worn or in-vehicle video or audio camera
 64 recording, or other recording or a transcription thereof; ~~or~~

65 (C) A summary of the substance of a statement made by a witness contained in a
 66 memorandum, report, or other type of written document but ~~does~~ shall not include notes
 67 or summaries made by counsel; or

68 (D) A forensic interview of a witness.

69 (3) 'Witness' ~~does~~ shall not include the defendant.

70 (4) 'Written scientific reports' shall include, but shall not be limited to, reports, including
 71 any underlying data related to such reports, from the Division of Forensic Sciences of the
 72 Georgia Bureau of Investigation; an autopsy report by the coroner of a county or by a
 73 private pathologist; blood alcohol test results done by a law enforcement agency or a
 74 private physician; and similar types of reports that would be used as scientific evidence
 75 by the state or prosecuting attorney in its case-in-chief or in rebuttal against the defendant
 76 or the defendant in its case.

77 17-16-2.

78 (a)(1) This article shall apply to all criminal cases in ~~which at least one felony offense~~
 79 ~~is charged in the event that at or prior to arraignment, or at such time as the court permits,~~
 80 state or superior courts when the defendant provides written notice to the state or
 81 prosecuting attorney that such defendant elects to have this article apply to the
 82 defendant's case.

83 (2) When one defendant in a multidefendant case demands discovery under this ~~article~~
 84 chapter, the provisions of this ~~article~~ chapter shall apply to all defendants in the case,
 85 unless a severance is granted.

86 (3) An election, once made, shall not be revoked, except as such election relates to a
 87 defendant automatically included in an election pursuant to paragraph (2) of this
 88 subsection who did not make an election for his or her own case.

89 (b) Except as provided in subsection (c) of this Code section, this article shall not apply
90 to juvenile court proceedings.

91 (c) This article shall be deemed to have been automatically invoked, without the written
92 notice provided for in subsection (a) of this Code section, when a defendant has sought
93 discovery pursuant to Chapter 11 of Title 9, the 'Georgia Civil Practice Act,' pursuant to
94 Part 8 of Article 6 of Chapter 11 of Title 15, or pursuant to the Uniform Rules for the
95 Juvenile Courts of Georgia ~~where~~ when such discovery material is the same as the
96 discovery material that may be provided under this article when a written notice is filed
97 pursuant to subsection (a) of this Code section.

98 (d) Except as provided under Code Section 17-16-8, this ~~article~~ chapter is not intended to
99 authorize discovery or inspection of attorney work product.

100 ~~(e) This article shall apply also to all criminal cases in which at least one felony offense~~
101 ~~is charged which was docketed, indicted, or in which an accusation was returned prior to~~
102 ~~January 1, 1995, if both the prosecuting attorney and the defendant agree in writing that the~~
103 ~~provisions of this article shall apply to the case.~~

104 ~~(f)~~(e) Except as provided in paragraph (3) of subsection (b) of Code Section 17-16-4, if
105 a defendant has elected to have the provisions of this article apply, the provisions of this
106 article shall also apply to sentencing hearings and the sentencing phase of a death penalty
107 trial.

108 (f) This article shall only apply to misdemeanor cases in city, municipal, recorder's,
109 probate, and any other court wherein a jury cannot be empaneled when the state or
110 prosecuting attorney and the defendant agree in writing that this article shall apply. Absent
111 such written agreement, the provisions of Article 2 of this chapter shall apply.

112 17-16-3.

113 Prior to or at arraignment, the state or prosecuting attorney shall furnish every person
114 charged with a criminal offense ~~shall be furnished with~~ a copy of the indictment or

115 accusation, unless such indictment or accusation was previously furnished pursuant to
116 Code Section 17-7-54 or Code Section 17-7-70.1, and a list of witnesses. Such witness list
117 that may be supplemented pursuant to the other provisions of this article.

118 17-16-4.

119 (a)(1) The state or prosecuting attorney shall, no later than ten days prior to trial within
120 30 days of the defendant's arraignment but no later than 30 days prior to trial, or at such
121 time as the court orders, disclose to the defendant, furnish a copy of, and make available
122 for inspection, copying, or photographing any relevant written or recorded statements
123 made by the defendant, or copies thereof, within the possession, custody, or control of the
124 state or prosecution prosecuting attorney and that portion of any written record containing
125 the substance of any relevant oral statement made by the defendant, whether before or
126 after arrest, in response to interrogation by any person then known to the defendant to be
127 a law enforcement officer or member of the prosecuting attorney's staff. The state or
128 prosecuting attorney shall also disclose to the defendant, and furnish a copy of the
129 substance of any other relevant oral statement made by the defendant, before or after
130 arrest, in response to interrogation by any person then known by the defendant to be a law
131 enforcement officer or member of the prosecuting attorney's staff if the state intends to
132 use that statement at trial. The state or prosecuting attorney shall also disclose to the
133 defendant and furnish a copy of the substance of any other relevant written or oral
134 statement made by the defendant while in custody, whether or not in response to
135 interrogation. Statements of coconspirators that are attributable to the defendant and
136 arguably admissible against the defendant at trial also shall be disclosed under this Code
137 section. ~~When~~ Where the defendant is a corporation, partnership, association, or labor
138 union, the court may grant the defendant, upon its motion, discovery of any similar such
139 statement of any a witness who was:

140 (A) At the time of the statement, so situated as an officer or employee as to have been
141 legally able to bind the defendant in respect to conduct constituting the offense; or

142 (B) At the time of the offense, personally involved in the alleged conduct constituting
143 the offense and so situated as an officer or employee as to have been legally able to
144 bind the defendant in respect to that alleged conduct in which the witness was involved.

145 (2) The state or prosecuting attorney shall, no later than ten within 30 days of the
146 defendant's arraignment but no later than 30 days prior to trial, or as otherwise ordered
147 by the court, furnish to the defendant a copy of the defendant's Georgia Crime
148 Information Center criminal history, if any, as is within the possession, custody, or
149 control of the state or ~~prosecution~~ prosecuting attorney. Nothing in this Code section
150 shall affect the provisions of Code Section 17-10-2.

151 (3)(A) Except as provided in subparagraph (B) of this paragraph, the state or
152 prosecuting attorney shall, no later than ten within 30 days of the defendant's
153 arraignment but no later than 30 days prior to trial, or as otherwise ordered by the court,
154 ~~permit the defendant at a time agreed to by the parties or ordered by the court to inspect~~
155 ~~and copy or photograph~~ provide the defendant with copies of books; papers; documents; photographs; tangible objects; audio and visual tapes, including tapes
156 created by third parties and data from posted security cameras or automated license
157 readers, films; and recordings, or copies or portions thereof and to inspect and
158 ~~photograph buildings or places~~ which are within the possession, custody, or control of
159 the state or ~~prosecution~~ prosecuting attorney and are intended for use by the state or
160 prosecuting attorney as evidence in whole or in part in the prosecution's state's or
161 prosecuting attorney's case-in-chief or rebuttal at the trial, or were obtained from or
162 belong to the defendant so long as such items are capable of being copied; provided,
163 however, that, when any such item is not capable of being copied, the state or
164 prosecuting attorney shall permit the defendant at a time agreed to by the parties or
165 ordered by the court to inspect and copy or photograph such items. The state or
166

167 prosecuting attorney shall also allow the defendant to inspect and photograph buildings
168 or places which are within the possession, custody, or control of the state or prosecuting
169 attorney and are intended for use by the state or prosecuting attorney as evidence in
170 whole or in part in the state's or prosecuting attorney's case-in-chief or rebuttal at the
171 trial, or were obtained from or belong to the defendant. Evidence that is within the
172 possession, custody, or control of the ~~Forensic Sciences Division~~ Division of Forensic
173 Sciences of the Georgia Bureau of Investigation or other laboratory for the purpose of
174 testing and analysis may be examined, tested, and analyzed at the facility where the
175 evidence is being held pursuant to reasonable rules and regulations adopted by the
176 ~~Forensic Sciences Division~~ Division of Forensic Sciences of the Georgia Bureau of
177 Investigation or the laboratory where the evidence is being held. No provision of this
178 subparagraph shall be construed to allow for the printing or copying of materials only
179 permitted to be inspected under subparagraph (B) of this paragraph.

180 (B) With respect to any books; papers; documents; photographs; tangible objects;
181 audio and visual tapes, including tapes created by third parties and data from posted
182 security cameras and automated license readers; films; and recordings, or copies or
183 portions thereof which are within the possession, custody, or control of the state or
184 ~~prosecution~~ prosecuting attorney and are intended for use by the state or prosecuting
185 attorney as evidence in whole or in part in the prosecution's state's or prosecuting
186 attorney's case-in-chief or rebuttal at the trial of any violation of Part 2 of Article 3 of
187 Chapter 12 of Title 16, such evidence shall, no later than ten within 30 days of the
188 defendant's arraignment but no later than 30 days prior to trial, or as otherwise ordered
189 by the court, be allowed to be inspected by the defendant but shall not be allowed to be
190 copied.

191 (4)(A) The state or prosecuting attorney shall, no later than ten within 30 days of the
192 defendant's arraignment but no later than 30 days prior to trial, or as otherwise ordered
193 by the court, permit the defendant at a time agreed to by the parties or ordered by the

194 ~~court to inspect and copy or photograph a report~~ furnish copies of reports of any
195 physical or mental examinations and of written scientific reports, tests, or experiments,
196 ~~including a summary of the basis for the expert opinion rendered in the report, or copies~~
197 ~~thereof,~~ if the state or prosecuting attorney intends to introduce in evidence in whole
198 or in part in its case-in-chief or in rebuttal the results of the physical or mental
199 examination or written scientific reports, test tests, or experiment experiments. If no
200 such report exists at the time of arraignment, such report shall be furnished to the
201 defendant within ten days of its receipt but not later than 30 days prior to trial. If the
202 report is oral or partially oral, the state or prosecuting attorney shall reduce all relevant
203 and material oral portions of such report to writing and shall serve ~~opposing counsel~~ the
204 defendant with such portions no later than ~~ten~~ 30 days prior to trial. Nothing in this
205 Code section shall require the disclosure of any other material, note, or memorandum
206 relating to the psychiatric or psychological treatment or therapy of any victim or
207 witness.

208 (B) With respect to expert witnesses, the state or prosecuting attorney shall disclose to
209 the defendant, in writing, within 30 days of arraignment but no later than 30 days prior
210 to trial, or as otherwise ordered by the court, the following:

211 (i) A complete statement of all opinions that the state or prosecuting attorney will
212 elicit from the witness pursuant to Code Section 24-7-702, 24-7-703, or 24-7-705 in
213 its case-in-chief, or during its rebuttal to counter testimony that the defendant has
214 timely disclosed;

215 (ii) The bases and reasons for the opinions, including a summary of the basis for such
216 opinion;

217 (iii) All technical notes and data supporting conclusions, results, or findings of such
218 witness;

219 (iv) All documents relating to any peer review, examination, consultation, or other
220 verification provided for any conclusions, results, or findings by such witness;

221 (v) All standards, protocols, policies, procedures, manuals, and guidelines serving as
222 the basis of such witness's opinion;

223 (vi) The witness's qualifications, including a list of all publications authored by such
224 witness in the previous ten years; provided, however, that this division shall not apply
225 to witnesses from the Division of Forensic Sciences of the Georgia Bureau of
226 Investigation; and

227 (vii) A list of all other cases in which, during the previous four years, the witness has
228 testified as an expert at trial or by deposition; provided, however, that this division
229 shall not apply to witnesses from the Division of Forensic Sciences of the Georgia
230 Bureau of Investigation.

231 (C) When the defendant has elected to have this article apply to the defendant's case,
232 failure by the state or prosecuting attorney to furnish the defendant with a copy of any
233 written scientific report or summary of an expert's opinion shall, unless the court
234 determines an alternative remedy is warranted under the circumstances, result in such
235 report or summary, and any related expert testimony, being excluded and suppressed
236 from evidence in the state's case-in-chief or in rebuttal.

237 (5) The state or prosecuting attorney shall, no later than ten days prior to trial, or at such
238 time as the court orders but in no event later than the beginning of the trial, provide the
239 defendant with notice of any evidence in aggravation of punishment that the state or
240 prosecuting attorney intends to introduce in sentencing.

241 (b)(1) The defendant shall, within ~~ten~~ 30 days of timely compliance by the state or
242 prosecuting attorney but no later than ~~five~~ ten days prior to trial, or as otherwise ordered
243 by the court, ~~shall permit the prosecuting attorney at a time agreed to by the parties or as~~
244 ~~ordered by the court to inspect and copy or photograph~~ furnish copies of books; papers; ;
245 documents; ; photographs; ; tangible objects; ; audio and visual tapes, including tapes
246 created by third parties and data from posted security cameras or automated license
247 readers; films; and recordings, ~~or copies or portions thereof~~ and permit the state or

248 prosecuting attorney at a time agreed to by the parties or ordered by the court to inspect
249 and photograph buildings or places, which are within the possession, custody, or control
250 of the defendant and which the defendant intends to introduce as evidence in the defense's
251 case-in-chief or rebuttal case at the trial.

252 (2)(A) The defendant shall, within ~~ten~~ 30 days of timely compliance by the state or
253 prosecuting attorney but no later than five 10 days prior to trial, or as otherwise ordered
254 by the court, ~~permit the prosecuting attorney at a time agreed to by the parties or as~~
255 ordered by the court to inspect and copy or photograph furnish copies of a report of any
256 physical or mental examinations and of scientific tests or experiments, including a
257 summary of the basis for the expert opinion rendered in the report, or copies thereof,
258 if the defendant intends to introduce in evidence in the defense's ~~case-in-chief or~~
259 ~~rebuttal case~~ the results of the physical or mental examination or scientific test or
260 experiment. If the report is oral or partially oral, the defendant shall reduce all relevant
261 and material oral portions of such report to writing and shall serve opposing counsel
262 with such portions no later than five ten days prior to trial. Nothing in this Code section
263 shall require the disclosure of any other material, note, or memorandum relating to the
264 psychiatric or psychological treatment or therapy of any defendant or witness.

265 (B) With respect to expert witnesses, the defendant shall disclose to the state or
266 prosecuting attorney, in writing, within 30 days of timely compliance by the state or
267 prosecuting attorney but no later than ten days prior to trial, or as otherwise ordered by
268 the court, the following:

269 (i) A complete statement of all opinions that the defendant will elicit from the witness
270 pursuant to Code Section 24-7-702, 24-7-703, or 24-7-705 in its case;

271 (ii) The bases and reasons for the opinions, including a summary of the basis for such
272 opinion;

273 (iii) All technical notes and data supporting conclusions, results, or findings of such
274 witness;

275 (iv) All documents relating to any peer review, examination, consultation, or other
276 verification provided for any conclusions, results, or findings by such witness;
277 (v) All standards, protocols, policies, procedures, manuals, and guidelines serving as
278 the basis of such witness's opinion;
279 (vi) The witness's qualifications, including a list of all publications authored by such
280 witness in the previous ten years; provided, however, that this division shall not apply
281 to witnesses from the Division of Forensic Sciences of the Georgia Bureau of
282 Investigation; and
283 (vii) A list of all other cases in which, during the previous four years, the witness has
284 testified as an expert at trial or by deposition; provided, however, that this division
285 shall not apply to witnesses from the Division of Forensic Sciences of the Georgia
286 Bureau of Investigation.

287 (C) When the defendant has elected to have this article apply to the defendant's case,
288 failure by the defendant to furnish the state or prosecuting attorney with a copy of any
289 written scientific report or summary of an expert's opinion shall, unless the court
290 determines an alternative remedy is warranted under such circumstances, result in such
291 report or summary, and any related expert testimony, being excluded and suppressed
292 from evidence in the defendant's case.

293 (3)(A) Unless otherwise ordered by the court, the ~~The~~ defendant shall, no later than the
294 announcement of the verdict of the jury or if the defendant has waived a jury trial at the
295 time the verdict is published by the court, serve upon the state or prosecuting attorney
296 all books; papers; documents; photographs; tangible objects; audio and visual tapes,
297 including tapes created by third parties and data from posted security cameras or
298 automated license readers; films; and recordings, or copies or portions thereof and to
299 inspect and photograph buildings or places which are within the possession, custody,
300 or control of the defendant and which the defendant intends to introduce as evidence
301 in the presentence hearing.

302 (B) Unless otherwise ordered by the court, the ~~The~~ defendant shall, no later than the
303 announcement of the verdict of the jury or if the defendant has waived a jury trial at the
304 time the verdict is published by the court, serve upon the state or prosecuting attorney
305 all reports of any physical or mental examinations and scientific tests or experiments,
306 including a summary of the basis for the expert opinions rendered in the reports, or
307 copies thereof, if the defendant intends to introduce in evidence in the presentence
308 hearing the results of the physical or mental examination or scientific test or
309 experiment. If the report is oral or partially oral, the defendant shall reduce all relevant
310 and material oral portions of such report to writing and shall serve opposing counsel
311 with such portions.

312 (C) The defendant shall, no later than five days before the trial commences, serve upon
313 the state or prosecuting attorney a list of witnesses that the defendant intends to call as
314 a witness in the presentence hearing. No later than the announcement of the verdict of
315 the jury or if the defendant has waived a jury trial at the time the verdict is published
316 by the court, the defendant shall produce for the opposing ~~party~~ counsel any statement
317 of ~~such witnesses~~ a witness that is in the possession, custody, or control of the
318 ~~defendants~~ defendant or the defendant's counsel that relates to the subject matter of the
319 testimony of such ~~witnesses~~ witness unless such statement is protected from disclosure
320 by the privilege contained in paragraph (5), (6), (7), or (8) of subsection (a) of Code
321 Section 24-5-501.

322 (c) If prior to or during trial a party discovers additional evidence or material previously
323 requested or ordered which is subject to discovery, disclosure, or inspection under this
324 article, such party shall promptly notify the other party of the existence of the additional
325 evidence or material, correct its disclosure, and make this additional evidence or material
326 available as provided in this article.

327 (d) Upon a sufficient showing that a discovery required by this article would create a
328 substantial threat of physical or economic harm to a witness, the court may at any time

329 order that the discovery or inspection be denied, restricted, or deferred or make such other
330 order as is appropriate. Upon motion by a party, the court may permit the party to make
331 such showing, in whole or in part, in the form of a written statement to be inspected by the
332 judge alone. If the court enters an order granting relief following such an ex parte showing,
333 the entire text of the party's statement shall be sealed and preserved in the records of the
334 court subject to further order of the court and to be made available to the appellate court
335 in the event of an appeal.

336 (e) Discovery with respect to alibi witnesses shall be as provided for in Code
337 Section 17-16-5.

338 17-16-5.

339 (a) Upon written demand by the state or prosecuting attorney within ~~ten~~ 30 days after
340 arraignment, or at such time as the court permits, stating the time, date, and place at which
341 the alleged offense was committed, the defendant shall serve within ten days of the demand
342 of the state or prosecuting attorney or ten days prior to trial, whichever is later, or as
343 otherwise ordered by the court, upon the state or prosecuting attorney a written notice of
344 the defendant's intention to offer a defense of alibi. Such notice by the defendant shall state
345 the specific place or places at which the defendant claims to have been at the time of the
346 alleged offense and the names, addresses, dates of birth, and telephone numbers of the
347 witnesses, if known to the defendant, upon whom the defendant intends to rely to establish
348 such alibi unless previously supplied.

349 (b) The state or prosecuting attorney shall serve upon the defendant within five days of the
350 defendant's written notice but no later than five days before trial, whichever is later, a
351 written notice stating the names, addresses, dates of birth, and telephone numbers of the
352 witnesses, if known to the state or prosecuting attorney, upon whom the state or
353 prosecuting attorney intends to rely to rebut the defendant's evidence of alibi unless
354 previously supplied.

355 (c) If prior to or during trial, a party learns of an additional witness whose identity, if
356 known, should have been included in the information furnished under subsection (a) or (b)
357 of this Code section, the party shall promptly notify the other party of the existence and
358 identity of such additional witness.

359 (d) Upon a showing that a disclosure required by this Code section would create a
360 substantial threat of physical or economic harm to a witness, the court may grant an
361 exception to any of the requirements of subsections (a) through (c) of this Code section.

362 (e) If the defendant withdraws the notice of intention to rely upon an alibi defense, the
363 notice and intention to rely upon an alibi defense are not admissible. ~~However the;~~
364 provided, however, that the state or prosecuting attorney may offer any other evidence
365 regarding alibi.

366 17-16-6.

367 Except as provided in subparagraphs (a)(4)(C) and (b)(2)(C) of Code Section 17-16-4, if
368 If at any time during the course of the proceedings it is brought to the attention of the court
369 that the state or prosecuting attorney has failed to comply with the requirements of this
370 article, the court may order the state or prosecuting attorney to permit the discovery or
371 inspection, interview of the witness, grant a continuance, or, upon a showing of prejudice
372 and bad faith, prohibit the state or prosecuting attorney from introducing the evidence not
373 disclosed or presenting the witness not disclosed, or may enter such other order as it deems
374 just under the circumstances. If at any time during the course of the proceedings it is
375 brought to the attention of the court that the defendant has failed to comply with the
376 requirements of this article, the court may order the defendant to permit the discovery or
377 inspection, interview of the witness, grant a continuance, or, upon a showing of prejudice
378 and bad faith, prohibit the defendant from introducing the evidence not disclosed or
379 presenting the witness not disclosed, or may enter such other order as it deems just under
380 the circumstances. The court may specify the time, place, and manner of making the

381 discovery, inspection, and interview and may prescribe such terms and conditions as are
382 just.

383 17-16-7.

384 Within 30 days of the defendant's arraignment but no later than 30 days prior to trial, No
385 later than ten days prior to trial or at such time as the court permits, or at the time of any
386 post-indictment pretrial evidentiary hearing other than a bond hearing, the prosecution state
387 or prosecuting attorney or the defendant shall produce for the opposing party any statement
388 of any a witness that is in the possession, custody, or control of the state or prosecution
389 prosecuting attorney or in the possession, custody, or control of the defendant or the
390 defendant's counsel that relates to the subject matter concerning the testimony of the
391 witness that the party in possession, custody, or control of the statement intends to call as
392 a witness at trial or at such post-indictment pretrial evidentiary hearing.

393 17-16-8.

394 (a) The state or prosecuting attorney shall, not later than ten days before trial within ten
395 days of the defendant's arraignment, and the defendant's attorney, within ten days after
396 compliance by the state or prosecuting attorney but no later than five ten days prior to trial,
397 or as otherwise ordered by the court, ~~shall~~ furnish to the opposing counsel as an officer of
398 the court, in confidence, the names, current locations, dates of birth, and telephone numbers
399 of that party's witnesses, unless for good cause the judge allows an exception to this
400 requirement, in which event the counsel shall be afforded an opportunity to interview such
401 witnesses prior to the witnesses being called to testify.

402 (b) Nothing in this Code section shall be construed to require the state or prosecuting
403 attorney to furnish the home address, date of birth, or home telephone number of a witness
404 who is a law enforcement officer or a nonsworn employee of a law enforcement agency.
405 Instead, in such cases, the state or prosecuting attorney shall furnish to the attorney for the

406 accused, or, if pro se, to the accused, the current work location and work phone number of
407 the law enforcement officer or nonsworn employee of a law enforcement agency.

408 (c) Any formerly employed or retired law enforcement officer or nonsworn employee of
409 a law enforcement agency may use the address and phone number of the last agency where
410 he or she was employed as his or her contact information for purposes of this Code section.
411 Use of this subsection by an officer or employee shall constitute a waiver of any claim by
412 such officer or employee as to any defect of service or notice of hearing if the service or
413 notice was provided to the designated law enforcement agency and shall impose an
414 affirmative obligation on such officer or employee to keep current his or her personal
415 address and phone number information with such agency.

416 17-16-9.

417 Any party providing documents or statements to another party under this article shall be
418 reimbursed for the actual cost incurred in providing such documents. If the court has
419 determined the defendant to be indigent, the court shall determine the means of
420 reimbursement.

421 17-16-10.

422 The defendant need not include in materials and information furnished to the state or
423 prosecuting attorney under this article any material or information which the state or
424 prosecuting attorney has already furnished to the defendant under this article. The state or
425 prosecuting attorney need not include in materials and information furnished to the
426 defendant under this article any material or information which that defendant has already
427 furnished to the state or prosecuting attorney under this article. Either party may call as a
428 witness any person listed on ~~either~~ the state's, prosecuting attorney's, or defendant's witness
429 list.

430

ARTICLE 2

431 17-16-20.

432 ~~The provisions of this~~ This article shall apply only to misdemeanor cases ~~or to felony cases~~
433 ~~docketed, indicted, or in which an accusation was returned prior to January 1, 1995, if the~~
434 in city, municipal, recorder's, probate, and any other court wherein a jury cannot be
435 empaneled, unless the state or prosecuting attorney and the defendant do not agree in
436 writing that the provisions of Article 1 of this chapter shall apply.

437 17-16-21.

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

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

452 (c) Any formerly employed or retired law enforcement officer or nonsworn employee of
453 a law enforcement agency may use the address and phone number of the last agency where
454 he or she was employed as his or her contact information for purposes of this Code section.

455 Use of this subsection by an officer or employee shall constitute a waiver of any claim by
456 such officer or employee as to any defect of service or notice of hearing if the service or
457 notice was provided to the designated law enforcement agency and shall impose an
458 affirmative obligation on such officer or employee to keep current his or her personal
459 address and phone number information with such agency.

460 17-16-22.

461 (a) At least ten days prior to the trial of the case, the defendant shall be entitled to have a
462 copy of any statement given by the defendant while in police custody. The defendant may
463 make such request for a copy of any such statement, in writing, within any reasonable
464 period of time prior to trial.

465 (b) If the defendant's statement is oral or partially oral, the prosecution state or prosecuting
466 attorney shall furnish, in writing, all relevant and material portions of the defendant's
467 statement.

468 (c) Failure of the prosecution state or prosecuting attorney to comply with a defendant's
469 timely written request for a copy of such defendant's statement, whether written or oral,
470 shall result in such statement being excluded and suppressed from the prosecution's state's
471 or prosecuting attorney's use in its case-in-chief or in rebuttal.

472 (d) If the defendant's statement is oral, no relevant and material, incriminating or
473 inculpatory, portion of the statement of the defendant may be used against the defendant
474 unless it has been previously furnished to the defendant, if a timely written request for a
475 copy of the statement has been made by the defendant.

476 (e) This Code section shall not apply to evidence discovered after a request has been filed.
477 If a request has been filed, such evidence shall be produced as soon as possible after it has
478 been discovered.

479 17-16-23.

480 ~~(a) As used in this Code section, the term 'written scientific reports' includes, but is not~~
481 ~~limited to, reports from the Division of Forensic Sciences of the Georgia Bureau of~~
482 ~~Investigation; an autopsy report by the coroner of a county or by a private pathologist;~~
483 ~~blood alcohol test results done by a law enforcement agency or a private physician; and~~
484 ~~similar types of reports that would be used as scientific evidence by the prosecution in its~~
485 ~~case-in-chief or in rebuttal against the defendant.~~

486 ~~(b)~~(a) In all criminal trials under this article the defendant shall be entitled to have a
487 complete copy of any written scientific reports in the possession of the prosecution state
488 or prosecuting attorney which will be introduced in whole or in part against the defendant
489 by the prosecution state or prosecuting attorney in its case-in-chief or in rebuttal. The
490 request for a copy of any written scientific reports shall be made by the defendant in
491 writing at arraignment or within any reasonable time prior to trial. If such written request
492 is not made at arraignment, it shall be within the sound discretion of the trial judge to
493 determine in each case what constitutes a reasonable time prior to trial. If the scientific
494 report is in the possession of or available to the state or prosecuting attorney, the state or
495 prosecuting attorney ~~must~~ shall comply with this Code section at least ten days prior to the
496 trial of the case.

497 ~~(c)~~(b) Failure by the prosecution state or prosecuting attorney to furnish the defendant with
498 a copy of any written scientific report, when a proper and timely written demand has been
499 made by the defendant, shall result in such report being excluded and suppressed from
500 evidence in the prosecution's state's or prosecuting attorney's case-in-chief or in rebuttal."

501 **SECTION 5.**

502 Article 6 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to
503 registration of voters, is amended by revising Code Section 21-2-225.1, relating to
504 confidentiality of address of registered electors, term of request, and procedure, as follows:

S. B. 163 (SUB)

505 ~~“(a)(1) Any registered elector in this state who has~~ may request that the board of
 506 registrars of such elector's county of residence make the elector's residence address
 507 confidential when such elector:

508 (A) Has obtained a protective order under Code Section 19-13-4 or under a similar
 509 provision of law in another state; ~~or who has~~

510 (B) Has obtained a restraining order or protective order under Code Section 16-5-94
 511 or under a similar provision of law in another state ~~may request the board of registrars~~
 512 ~~of such elector's county of residence to make such elector's residence address~~
 513 ~~confidential; or~~

514 (C) Is a law enforcement officer, as defined in Code Section 50-18-78.

515 (2) An elector who is a bona fide resident of a family violence shelter, as defined in Code
 516 Section 19-13-20, may request to have his or her address made confidential without
 517 having to obtain a restraining order or protective order.

518 (b)(1) Any registered elector who submits a request for confidentiality under the
 519 provisions of subsection (a) of this Code section shall provide ~~Upon the filing of a request~~
 520 ~~with an affidavit under oath with~~ such request to the board of registrars by a registered
 521 ~~elector~~ stating that the elector:

522 (A) Has ~~has~~ obtained a protective order under Code Section 19-13-4 or similar
 523 provision of law from another state; ~~or~~

524 (B) Has a restraining order or protective order under Code Section 16-5-94 or a similar
 525 provision of law of another state; ~~or, if the elector is~~

526 (C) Is a law enforcement officer, in which case such affidavit shall be accompanied
 527 either by a copy of such elector's Georgia Peace Officer Standards and Training Council
 528 certification confirming active status or by written documentation from the law
 529 enforcement agency employing such elector verifying that such elector is currently
 530 employed as a law enforcement officer at such agency; or

531 (D) Is a resident of a family violence shelter, as defined in Code Section 19-13-20, in
 532 which case such affidavit shall be accompanied by a certification by the operators of
 533 such family violence shelter that such elector is a bona fide resident of such the shelter,
 534 (2) Such the registrars shall immediately review such request and supporting documents
 535 and, if such request and documentation is are sufficient, shall approve the request and
 536 immediately take such steps as necessary to make the residence address of the elector
 537 confidential.

538 (c) A request under this Code section, once approved, shall be effective for a period of four
 539 years following its approval by the registrars and may be renewed for additional four-year
 540 periods by the filing of a new request with the supporting documentation required by
 541 subsection (b) of this Code section prior to the end of each four-year period. If the elector
 542 registers to vote in another county in this state or another state, a new request for
 543 confidentiality of the elector's residence address with the supporting documentation
 544 required in subsection (b) of this Code section shall be filed with the new county in order
 545 to continue the confidentiality of the elector's residence address or the confidentiality shall
 546 terminate.

547 (d) The Secretary of State shall provide by procedure, rule, or regulation for the
 548 mechanism by which such information shall be made confidential on the voter registration
 549 data base and may provide for forms for use in making such requests and for the use of
 550 alternate addresses for electors who file requests for the confidentiality of their residence
 551 addresses.

552 (e) Information made confidential pursuant to this Code section shall not be subject to
 553 disclosure under Article 4 of Chapter 18 of Title 50, relating to open records."

554 **SECTION 6.**

555 Article 2 of Chapter 13 of Title 24 of the Official Code of Georgia Annotated, relating to
 556 subpoenas and notice to produce, is amended by revising subsection (a) of Code

557 Section 24-13-23, relating to a subpoena for production of documentary evidence and motion
558 to quash or modify, as follows:

559 "(a) A subpoena may also command the person to whom it is directed to produce the
560 evidence designated therein. Such subpoena shall be served in accordance with Code
561 Section 24-13-24."

562 **SECTION 7.**

563 Said article is further amended by revising Code Section 24-13-24, relating to service of
564 subpoenas, as follows:

565 "24-13-24.

566 (a) As used in this Code section, the term:

567 (1) 'Child advocacy center' shall have the same meaning as set forth in Code
568 Section 49-5-40.

569 (2) 'Law enforcement support personnel' shall have the same meaning as set forth in
570 Code Section 35-8-2.

571 (3) 'Law enforcement unit' shall have the same meaning as set forth in Code
572 Section 35-8-2.

573 (4) 'Peace officer' shall have the same meaning as set forth in Code Section 35-8-2.

574 (b) Any law enforcement unit employing peace officers, law enforcement support
575 personnel, or child advocacy centers whose purpose is to conduct forensic interviews at the
576 direction of or in cooperation with a law enforcement unit shall:

577 (1) Designate one or more individuals upon whom subpoenas shall be served;

578 (2) Make such designation in writing; and

579 (3) Immediately provide notice to any person upon request, orally or in writing, of the
580 designated individual or individuals.

581 (c) A subpoena may be served by:

582 (1) Any any sheriff, by his or her deputy, or by any other person not less than 18 years
 583 of age. ~~Proof, and proof of such service~~ may be shown by return or certificate endorsed
 584 on a copy of the subpoena. ~~Subpoenas may also be served by registered; or~~
 585 (2) Registered or certified mail or statutory overnight delivery, and the return receipt
 586 shall constitute prima-facie proof of service.

587 (d) Service upon a party may be made by serving his or her counsel of record.

588 (e) Service upon peace officers, law enforcement support personnel, or child advocacy
 589 center staff may be made by serving the individual designated under subsection (b) of this
 590 Code section."

591 **SECTION 8.**

592 Code Section 35-3-151 of the Official Code of Georgia Annotated, relating to responsibilities
 593 of the Division of Forensic Sciences, is amended by revising paragraph (4), as follows:
 594 "(4) Shall facilitate independent testing or analysis of evidence within the possession,
 595 custody, or control of the division as provided in ~~paragraph (3)~~ of subsection (a) of Code
 596 Section 17-16-4, relating to discovery in criminal cases;"

597 **SECTION 9.**

598 This Act shall become effective on July 1, 2026, and shall apply to any motion made or
 599 hearing or trial commenced on or after such date.

600 **SECTION 10.**

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