

House Bill 1210

By: Representatives Trammell of the 132<sup>nd</sup>, Mitchell of the 88<sup>th</sup>, McLeod of the 105<sup>th</sup>, Douglas of the 78<sup>th</sup>, Davis of the 87<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to  
2 pretrial proceedings, so as to repeal the procedure for indictment or special presentment of  
3 a peace officer for a crime committed in the performance of his or her duties and the right  
4 to testify before a grand jury; to provide for conforming changes; to amend Title 15 of the  
5 Official Code of Georgia Annotated, relating to courts, so as to provide for conforming  
6 changes; to provide for related matters; to provide for an effective date; to repeal conflicting  
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to pretrial  
11 proceedings, is amended by repealing Code Section 17-7-52, relating to procedure for  
12 indictment or special presentment of peace officer for crime in performance of duties,  
13 notification, and rights of officer, and designating said Code section as reserved.

14 **SECTION 2.**

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

18 "(e) Notwithstanding subsections (a) through (d) of this Code section, nothing in this Code  
19 section shall affect the rights of public officials to appear before a grand jury as provided  
20 in Code Sections 45-11-4 and 45-15-11 ~~or peace officers to appear before a grand jury as~~  
21 ~~provided in Code Section 17-7-52."~~

22

**SECTION 3.**

23 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
24 subsection (a) of Code Section 15-12-83, relating to oath of court reporter attending grand  
25 jury proceeding, compensation, and role and responsibilities, as follows:

26 "(a) Upon the request of the district attorney ~~or when the grand jury proceedings are in~~  
27 ~~accordance with Code Section 17-7-52~~, a court reporter shall be authorized to be present  
28 and shall attend such proceedings. Before attending the grand jury proceedings, the court  
29 reporter shall take the following oath:

30 'I do solemnly swear that I will keep secret all things and matters coming to my  
31 knowledge while in attendance upon the grand jury, so help me God.'

32

**SECTION 4.**

33 This Act shall become effective upon its approval by the Governor or upon its becoming law  
34 without such approval.

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**SECTION 5.**

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