

House Bill 1417

By: Representatives Stinson of the 150th, Williams of the 168th, Bennett of the 94th, Jones of the 60th, Scott of the 76th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia
2 Annotated, relating to general provisions of grand juries, so as to provide that in any
3 indictment proceeding before a grand jury, the accused has the right to be present during the
4 presentation of all evidence; to provide that the accused has the right to examine the state's
5 witnesses; to provide that the accused has the right to present evidence but is not compelled
6 to do so; to provide that the accused is subject to cross-examination should such evidence be
7 presented; to provide that the accused may testify but is not compelled to do so; to provide
8 for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated,
12 relating to general provisions of grand juries, is amended by adding a new subsection to Code
13 Section 15-12-71, relating to duties of grand jury, as follows:

14 "(g)(1) In any indictment proceeding before a grand jury, the accused and his or her
15 counsel shall have the right to be present during the presentation of all evidence and
16 alleged statements of the accused on the proposed indictment or special presentment. At

17 the conclusion of the presentation of the state's witnesses, the accused shall have the right
18 individually or through his or her attorney to examine the state's witnesses. The accused
19 shall have the right individually or through his or her counsel to present evidence but
20 shall not be compelled to do so; provided, however, that any such evidence presented
21 shall be subject to cross-examination by the state.

22 (2) The accused shall not be compelled to testify. If an accused wishes to testify and
23 announces in open court to the grand jury his or her intention to do so, the accused may
24 so testify. Any accused who testifies shall be sworn as any other witness before the grand
25 jury and may be examined and cross-examined as any other witness."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.