

House Bill 813

By: Representatives Coomer of the 14<sup>th</sup>, Caldwell of the 131<sup>st</sup>, Turner of the 21<sup>st</sup>, Boddie of the 62<sup>nd</sup>, and Powell of the 171<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 24-4-417 of the Official Code of Georgia Annotated, relating to  
2 evidence of similar acts in prosecutions for violations of Code Section 40-6-391, so as to  
3 require similar acts of such violations be after a conviction thereof; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 24-4-417 of the Official Code of Georgia Annotated, relating to evidence of  
8 similar acts in prosecutions for violations of Code Section 40-6-391, is amended by revising  
9 subsection (a) as follows:

10 "(a) In a criminal proceeding involving a prosecution for a violation of Code Section  
11 40-6-391, evidence of ~~the commission of~~ a conviction for another violation of Code  
12 Section 40-6-391 on a different occasion by the same accused shall be admissible when:

13 (1) The accused refused in the current case to take the state administered test required  
14 by Code Section 40-5-55 and such evidence is relevant to prove knowledge, plan, or  
15 absence of mistake or accident;

16 (2) The accused refused in the current case to provide an adequate breath sample for the  
17 state administered test required by Code Section 40-5-55 and such evidence is relevant  
18 to prove knowledge, plan, or absence of mistake or accident; or

19 (3) The identity of the driver is in dispute in the current case and such evidence is  
20 relevant to prove identity."

21 style="text-align:center">**SECTION 2.**

22 All laws and parts of laws in conflict with this Act are repealed.