

House Bill 139 (AS PASSED HOUSE AND SENATE)

By: Representatives Crowe of the 118th, McCollum of the 30th, Mathis of the 149th, and Barrett of the 24th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to
2 discovery in criminal procedure, so as to provide for restrictions of the disclosure of certain
3 personally identifiable information of nonsworn employees of a law enforcement agency
4 who are witnesses in felony and misdemeanor criminal cases; to provide for contact
5 information for certain law enforcement officers and nonsworn employees of law
6 enforcement agencies, subject to certain conditions; to amend Chapter 5 of Title 24 of the
7 Official Code of Georgia Annotated, relating to privileges concerning evidence, so as to
8 provide that a nonsworn employee of a law enforcement agency testifying in his or her
9 official capacity in any criminal proceeding shall not be compelled to reveal his or her home
10 address; to provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 16 of Title 17 of the Official Code of Georgia Annotated, relating to discovery in
14 criminal procedure, is amended by revising subsection (b) and adding a new subsection to
15 Code Section 17-16-8, relating to lists of names and information concerning witnesses in
16 felony cases, as follows:

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17 "(b) Nothing in this Code section shall be construed to require the prosecuting attorney to
18 furnish the home address, date of birth, or home telephone number of a witness who is a
19 law enforcement officer or a nonsworn employee of a law enforcement agency. Instead,
20 in such cases, the prosecuting attorney shall furnish to the ~~defense attorney~~ attorney for the
21 accused, or, if pro se, to the accused, the ~~law enforcement officer's~~ current work location
22 and work phone number of the law enforcement officer or nonsworn employee of a law
23 enforcement agency.

24 (c) Any formerly employed or retired law enforcement officer or nonsworn employee of
25 a law enforcement agency may use the address and phone number of the last agency where
26 he or she was employed as his or her contact information for purposes of this Code section.
27 Use of this subsection by an officer or employee shall constitute a waiver of any claim by
28 such officer or employee as to any defect of service or notice of hearing if the service or
29 notice was provided to the designated law enforcement agency and shall impose an
30 affirmative obligation on such officer or employee to keep current his or her personal
31 address and phone number information with such agency."

32 **SECTION 2.**

33 Said chapter is further amended by revising Code Section 17-16-21, relating to the right of
34 the defendant to copy of indictment or accusation and list of witnesses in misdemeanor cases,
35 as follows:

36 "17-16-21.

37 (a) Prior to arraignment, every person charged with a criminal offense shall be furnished
38 with a copy of the indictment or accusation and, on demand, with a list of the witnesses on
39 whose testimony the charge against such person is founded. Without the consent of the
40 defendant, no witness shall be permitted to testify for the state whose name does not appear
41 on the list of witnesses as furnished to the defendant unless the prosecuting attorney shall

42 state that the evidence sought to be presented is newly discovered evidence which the state
43 was not aware of at the time of its furnishing the defendant with a list of the witnesses.

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

50 (c) Any formerly employed or retired law enforcement officer or nonsworn employee of
51 a law enforcement agency may use the address and phone number of the last agency where
52 he or she was employed as his or her contact information for purposes of this Code section.
53 Use of this subsection by an officer or employee shall constitute a waiver of any claim by
54 such officer or employee as to any defect of service or notice of hearing if the service or
55 notice was provided to the designated law enforcement agency and shall impose an
56 affirmative obligation on such officer or employee to keep current his or her personal
57 address and phone number information with such agency."

58 **SECTION 3.**

59 Chapter 5 of Title 24 of the Official Code of Georgia Annotated, relating to privileges
60 concerning evidence, is amended by revising Code Section 24-5-504, relating to law
61 enforcement officers testifying and home address, as follows:

62 "24-5-504.

63 Any law enforcement officer or nonsworn employee of a law enforcement agency
64 testifying in his or her official capacity in any criminal proceeding shall not be compelled
65 to reveal his or her home address. Such officer or employee may be required to divulge the
66 business address of his or her employer, and the court may require any law enforcement

67 officer or nonsworn employee of a law enforcement agency to answer questions as to his
68 or her home address whenever such fact may be material to any issue in the proceeding."

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SECTION 4.

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