

Senate Bill 298

By: Senator Robertson of the 29th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to
2 judgments and rulings deemed directly appealable, procedure for review of judgments,
3 orders, or decisions not subject to direct appeal, scope of review, hearings in criminal cases
4 involving a capital offense for which death penalty is sought, and appeals involving
5 nonmonetary judgments in child custody cases, so as to provide for certain appellate
6 procedures regarding the granting or denying of sovereign and other immunities and the
7 granting or denying of certain privileges; to provide for statutory construction; to provide for
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Code Section 5-6-34 of the Official Code of Georgia Annotated, relating to judgments and
12 rulings deemed directly appealable, procedure for review of judgments, orders, or decisions
13 not subject to direct appeal, scope of review, hearings in criminal cases involving a capital
14 offense for which death penalty is sought, and appeals involving nonmonetary judgments in
15 child custody cases, is amended in subsection (a) by revising paragraphs (12) and (13) and
16 by adding a new paragraph to read as follows:

17 "(12) All judgments or orders entered pursuant to Code Section 35-3-37; and

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(13) All judgments or orders entered pursuant to Code Section 9-11-11.1;

(14) All judgments, orders, or rulings in civil actions granting or denying or refusing to grant or deny immunity to one or more parties based upon sovereign, municipal, official, qualified, or judicial immunity established by the United States Constitution or the Constitution, laws, or common law of this state shall have the right of direct appeal under this paragraph, and such right shall be exercised within 30 days of any judgment, order, or ruling. The right of direct appeal under this paragraph shall not be exercised by any one party more than once in any civil action. This paragraph shall not preclude taking an appeal pursuant to any other paragraph in this subsection; and

(15) All judgments, orders, or rulings in civil or criminal actions granting or denying or refusing to grant or deny one or more parties' legislative privilege or legislative immunity established by the United States Constitution or the Constitution, laws, or common law of this state shall have the right of direct appeal under this paragraph, and such right shall be exercised within 30 days of any judgment, order, or ruling."

SECTION 2.

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