

Senate Bill 245

By: Senators McLaurin of the 14<sup>th</sup>, Parent of the 42<sup>nd</sup> and Strickland of the 17<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to conduct of proceedings in criminal trials, so as to provide for legislative intent;  
3 to provide that exceptions to rulings or orders of the court are not necessary; to provide for  
4 the preservation of errors; to provide that errors not affecting substantial rights shall be  
5 disregarded; to provide that errors affecting substantial rights may be reviewed without the  
6 necessity of a preserving objection; to provide for related matters; to provide an effective  
7 date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 It is the intent of the General Assembly in enacting this Act to adopt Rules 51 and 52 of the  
11 Federal Rules of Criminal Procedure, as interpreted by the Supreme Court of the United  
12 States and the United States circuit courts of appeals as of the effective date of this Act to the  
13 extent that such interpretation is consistent with the Constitution of Georgia. Where conflicts  
14 are found to exist among the decisions of the various circuit courts of appeals interpreting  
15 Rules 51 and 52 of the Federal Rules of Criminal Procedure, the General Assembly  
16 considered the decisions of the 11th Circuit Court of Appeals.

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**SECTION 2.**

18 Article 3 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to  
19 conduct of proceedings in criminal trials, is amended by adding new Code sections to read  
20 as follows:

21 "17-8-59.

22 (a) Exceptions to rulings or orders of the court are unnecessary.

23 (b) A party may preserve a claim of error by informing the court, when the court ruling or  
24 order is made or sought, of the action the party wishes the court to take, or the party's  
25 objection to the court's action and the grounds for that objection. If a party does not have  
26 an opportunity to object to a ruling or order, the absence of an objection shall not later  
27 prejudice that party. A ruling or order that admits or excludes evidence shall be governed  
28 by Code Section 24-1-103.

29 17-8-60.

30 (a) Any error, defect, irregularity, or variance that does not affect substantial rights shall  
31 be disregarded.

32 (b) A plain error that affects substantial rights may be considered even though it was not  
33 brought to the court's attention."

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**SECTION 3.**

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

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**SECTION 4.**

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