

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 repeal provisions relating to the performance of sterilization procedures; to amend Chapter
3 7 of Title 24 of the Official Code of Georgia Annotated, relating to opinions and expert
4 testimony, so as to provide for a conforming change; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
9 repealing Chapter 20, relating to the performance of sterilization procedures, and designating
10 said chapter as reserved.

11 **SECTION 2.**

12 Chapter 7 of Title 24 of the Official Code of Georgia Annotated, relating to opinions and
13 expert testimony, is amended by revising Code Section 24-7-706, relating to court appointed
14 experts, as follows:

15 "24-7-706.

16 Except as provided in Chapter 7 of Title 9 or Code Section 17-7-130.1, 17-10-66, 29-4-11,
17 29-5-11, 31-14-3, ~~31-20-3~~, 44-6-166.1, 44-6-184, or 44-6-187, the following procedures
18 shall govern the appointment, compensation, and presentation of testimony of court
19 appointed experts:

20 (1) The court on its own motion or on the motion of any party may enter an order to
21 show cause why any expert witness should not be appointed and may request the parties
22 to submit nominations. The court may appoint any expert witnesses agreed upon by the
23 parties and may appoint expert witnesses of its own selection. An expert witness shall
24 not be appointed by the court unless the witness consents to act. Each appointed expert
25 witness shall be informed of his or her duties by the court in writing, a copy of which
26 shall be filed with the clerk, or at a conference in which the parties shall have opportunity
27 to participate. Each appointed expert witness shall advise the parties of his or her
28 findings, if any. Except as provided in Article 3 of Chapter 12 or Article 6 of Chapter 13
29 of this title, such witness's deposition may be taken by any party. Such witness may be
30 called to testify by the court or any party. Each expert witness shall be subject to
31 cross-examination by each party, including a party calling the witness;

32 (2) Appointed expert witnesses shall be entitled to reasonable compensation in whatever
33 sum the court allows. The compensation fixed shall be payable from funds which may
34 be provided by law in criminal proceedings and civil proceedings involving just
35 compensation for the taking of property. In other civil proceedings, the compensation
36 shall be paid by the parties in such proportion and at such time as the court directs and
37 thereafter charged in like manner as other costs;

38 (3) In the exercise of its discretion, the court may authorize disclosure to the jury of the
39 fact that the court appointed the expert witness; and

40 (4) Nothing in this Code section shall limit a party in calling expert witnesses of the
41 party's own selection."

