

House Bill 555

By: Representatives Gunter of the 8<sup>th</sup>, Burchett of the 176<sup>th</sup>, Efstration of the 104<sup>th</sup>, Leverett of the 33<sup>rd</sup>, Smith of the 18<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding pretrial proceedings, so as to provide for trials by a  
3 court sitting without a jury under certain circumstances; to provide for exceptions; to provide  
4 for requirements and procedures; to provide for a sunset date and automatic repeal; to  
5 provide for related matters; to provide for an effective date; to repeal conflicting laws; and  
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to  
10 general provisions regarding pretrial proceedings, is amended by adding a new Code section  
11 to read as follows:

12 "17-7-4.

13 (a) Except as to trials conducted under Article 2 of Chapter 10 of this title, the accused in  
14 any felony or misdemeanor case may elect in writing to be tried by the court sitting without  
15 a jury by filing such request with the clerk of court and serving such request upon the

16 prosecuting attorney and the judge to whom the case is assigned or, if the case is not  
17 assigned, upon the chief judge of the court in which the case is pending.

18 (b) When an accused elects a trial by the court sitting without a jury, the court shall, on the  
19 record:

20 (1) Advise the accused about the right to a trial by jury and the differences between trial  
21 by jury and trial by a court sitting without a jury; and

22 (2) Inquire whether the accused's election is knowing, intelligent, and voluntary.

23 (c) In criminal prosecutions when a jury trial has been expressly waived, the court may  
24 nevertheless order a trial with a jury. The court shall consider the prosecuting attorney's  
25 request for a jury trial, but the prosecuting attorney's objection shall not preclude the court  
26 from granting a request by the accused for a trial by the court sitting without a jury under  
27 subsection (a) of this Code section.

28 (d) This Code section shall stand repealed in its entirety on June 30, 2023."

29 **SECTION 2.**

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

32 **SECTION 3.**

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