

House Bill 982

By: Representatives Jones of the 167th and Clark of the 98th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 10 of Title 9 and Article 2 of Chapter 8 of Title 17 of the
2 Official Code of Georgia Annotated, relating to continuances relative to civil practice and
3 procedure and continuances relative to trial, respectively, so as to provide for and revise the
4 granting of continuances and stays in civil and criminal cases at certain times and intervals
5 for members and certain staff of the General Assembly for purposes of fulfilling their
6 responsibilities to the General Assembly; to provide for related matters; to provide for
7 applicability; to provide a short title; to provide an effective date; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as "Hailie's Amendment."

12 **SECTION 2.**

13 Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to
14 continuances relative to civil practice and procedure, is amended by revising Code
15 Section 9-10-150, relating to grounds for continuance and stay, attendance of party or
16 attorney in General Assembly, as follows:

17 "9-10-150.

18 (a) ~~A~~ Except for criminal cases involving alleged violations of crimes under Chapters 5
19 and 6 of Title 16, a member of the General Assembly who is a party to or the attorney for
20 a party to a case; any member of the Office of Legislative Counsel, including the legislative
21 counsel and persons provided for under subsection (d) of Code Section 28-4-3, appearing
22 on behalf of the General Assembly in a case; or any member of the staff of the Lieutenant
23 Governor, the Speaker of the House of Representatives, the President Pro Tempore of the
24 Senate, the Speaker Pro Tempore of the House of Representatives, or the chairperson of
25 the Judiciary Committee or Special Judiciary Committee of the Senate or of the Judiciary

26 Committee or Judiciary, Non-civil Committee of the House of Representatives who is the
27 lead counsel for a party to a case pending in any trial or appellate court or before any
28 administrative agency of this state, shall be granted a continuance and stay of the case. The
29 continuance and stay shall apply to all aspects of the case, including, but not limited to, the
30 filing and serving of an answer to a complaint, the making of any discovery or motion, or
31 of any response to any subpoena, discovery, or motion, and appearance at any hearing,
32 trial, or argument. Unless a shorter length of time is requested by the member, the
33 continuance and stay shall last for the seven days prior to the regular or extraordinary
34 session of the General Assembly; the length of any regular or extraordinary session of the
35 General Assembly; during the first three weeks following any recess or adjournment,
36 including an adjournment sine die of any regular or extraordinary session; and the entirety
37 of any day during the calendar year on which a legislative committee for which the member
38 serves or is staff holds a scheduled meeting, the member attends a national legislative
39 conference or board meeting, the member attends a caucus meeting, or the member attends
40 a meeting of a study committee of the General Assembly. Notwithstanding any other
41 provision of law, rule of court, or administrative rule or regulation, the time for doing any
42 act in the case which is delayed by the continuance provided by this Code section shall be
43 automatically extended by the same length of time as the continuance or stay covered.

44 (b)(1) ~~For~~ Except for criminal cases involving alleged violations of crimes under
45 Chapters 5 and 6 of Title 16, for such other times not provided for in subsection (a) of
46 this Code section, a member of the General Assembly who is a party to a case or the lead
47 counsel for a party to a case may request a continuance or stay as the member of the
48 General Assembly certifies to the court that his or her presence elsewhere is required by
49 his or her duties with the General Assembly. The certification by the member of the
50 General Assembly shall be in writing and shall state with particularity the nature of the
51 General Assembly duties that require the continuance or stay. Opposing counsel, a party
52 to the case, or the court on its own motion shall have ten days from receipt of the request
53 for a continuance or stay to object to the request by stating with particularity the grounds
54 upon which it is determined that such stay or continuance will cause significant harm to
55 the rights of a party or would otherwise be detrimental to the interest of justice. The court
56 upon receipt of the objection, or on its own motion, shall consider the following in
57 determining whether to grant or deny the continuance or stay:

- 58 (A) The length of time that the case has been pending;
59 (B) The length of delay that such stay or continuance will cause in the resolution of the
60 case;
61 (C) The nature of the General Assembly duties that require the continuance or stay; and

62 (D) Such other factors that the court determines to be relevant in determining the harm
 63 to the rights of the parties or the interest of justice in the granting or denial of the
 64 request for a continuance or stay.

65 (2) Absent a ruling by the court denying the continuance or stay certified by the member
 66 under paragraph (1) of this subsection, such continuance or stay shall be considered
 67 granted as a matter of law.

68 (c) This Code section shall not be construed to prohibit the application for or granting of
 69 continuances under any other provisions of law."

70 **SECTION 3.**

71 Article 2 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to
 72 continuances relative to trial, is amended by revising Code Section 17-8-26, relating to
 73 grounds for granting of continuances, party or party's attorney in attendance at General
 74 Assembly, as follows:

75 "17-8-26.

76 (a) ~~▲~~ Except for criminal cases involving alleged violations of crimes under Chapters 5
 77 and 6 of Title 16, a member of the General Assembly who is a party to or the attorney for
 78 a party to a case; any member of the Office of Legislative Counsel, including the legislative
 79 counsel and persons provided for under subsection (d) of Code Section 28-4-3, appearing
 80 on behalf of the General Assembly in a case; or any member of the staff of the Lieutenant
 81 Governor, the Speaker of the House of Representatives, or the chairperson of the Judiciary
 82 Committee or Special Judiciary Committee of the Senate or of the Judiciary Committee or
 83 Judiciary, Non-civil Committee of the House of Representatives who is the lead counsel
 84 for a party to a case pending in any trial or appellate court or before any administrative
 85 agency of this state shall be granted a continuance and stay of the case. The continuance
 86 and stay shall apply to all aspects of the case, including, but not limited to, the filing and
 87 serving of an answer to a complaint, the making of any discovery or motion, or of any
 88 response to any subpoena, discovery, or motion, and appearance at any hearing, trial, or
 89 argument. Unless a shorter length of time is requested by the member, the continuance and
 90 stay shall last for the seven days prior to the regular or extraordinary session of the General
 91 Assembly; the length of any regular or extraordinary session of the General Assembly;
 92 during the first three weeks following any recess or adjournment, including an adjournment
 93 sine die of any regular or extraordinary session; and the entirety of any day during the
 94 calendar year on which a legislative committee for which the member serves or is staff
 95 holds a scheduled meeting. Notwithstanding any other provision of law, rule of court, or
 96 administrative rule or regulation, and to the extent permitted by the Constitutions of the
 97 United States and of the State of Georgia, the time for doing any act in the case which is

98 delayed by the continuance or stay provided by this Code section shall be automatically
99 extended by the same length of time as the continuance or stay covered.

100 (b)(1) For Except for criminal cases involving alleged violations of crimes under
101 Chapters 5 and 6 of Title 16, for such other times not provided for in subsection (a) of
102 this Code section, a member of the General Assembly who is a party to a case or the lead
103 counsel for a party to a case may request a continuance and stay for such other times as
104 the member of the General Assembly certifies to the court that his or her presence
105 elsewhere is required by his or her duties with the General Assembly. The certification
106 by the member of the General Assembly shall be in writing and shall state with
107 particularity the nature of the General Assembly duties that require the continuance or
108 stay. Opposing counsel, any person who is alleged in the case by the state to be a victim,
109 or the court on its own motion shall have ten days from receipt of the request for a
110 continuance or stay to object to the request by stating with particularity the grounds upon
111 which it is determined that such stay or continuance will cause significant harm to the
112 rights of a party or would otherwise be detrimental to the interest of justice. The court
113 upon receipt of the objection, or on its own motion, shall consider the following in
114 determining whether to grant or deny the continuance or stay:

- 115 (A) The length of time that the case has been pending;
- 116 (B) The length of delay that such stay or continuance will cause in the resolution of the
117 case;
- 118 (C) The nature of the General Assembly duties that require the continuance or stay; and
- 119 (D) Such other factors that the court determines to be relevant in determining the harm
120 to the rights of the parties or the interest of justice in the granting or denial of the
121 request for a continuance or stay.

122 (2) Absent a ruling by the court denying the continuance or stay certified by the member
123 under paragraph (1) of this subsection, such continuance or stay shall be considered
124 granted as a matter of law.

125 (c) This Code section shall not be construed to prohibit the application for or granting of
126 continuances under any other provisions of law."

127 **SECTION 4.**

128 This Act shall apply to all cases, including, but not limited to, any case currently pending
129 before any court in this state.

130 **SECTION 5.**

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

133

SECTION 6.

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