

Senate Bill 337

By: Senators Unterman of the 45th, Miller of the 49th and Tillery of the 19th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated,
2 relating to admissions and confessions, so as to provide an effective date for the procedure
3 relating to the testimony of a child's description of sexual contact or physical abuse; to
4 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated, relating to
9 admissions and confessions, is amended by revising Code Section 24-8-820, relating to the
10 testimony of a child's description of sexual contact or physical abuse, as follows:

11 "24-8-820.

12 (a) A statement made by a child younger than 16 years of age describing any act of sexual
13 contact or physical abuse performed with or on such child by another or with or on another
14 in the presence of such child shall be admissible in evidence by the testimony of the person
15 to whom made if the proponent of such statement provides notice to the adverse party prior
16 to trial of the intention to use such out-of-court statement and such child testifies at the
17 trial, unless the adverse party forfeits or waives such child's testimony as provided in this
18 title, and, at the time of the testimony regarding the out-of-court statements, the person to
19 whom the child made such statement is subject to cross-examination regarding the
20 out-of-court statements.

21 (b) This Code section shall apply to any motion made or hearing or trial commenced on
22 or after the effective date of this subsection."

23 **SECTION 2.**

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

26

SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.