

Senate Bill 135

By: Senators Butler of the 55th, Jackson of the 41st, Orrock of the 36th, Parent of the 42nd,
Merritt of the 9th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-12-71, Title 16, and Code Section 17-7-52 of the Official Code
2 of Georgia Annotated, relating to duties of grand jury, crimes and offenses, and procedure
3 for indictment or special presentment of peace officer for crime in performance of duties,
4 notification, and rights of officer, respectively, so as to repeal the provision regarding no duty
5 to retreat prior to the use of force; to correct cross-references; to repeal the defense of self
6 or others as an absolute defense; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 15-12-71 of the Official Code of Georgia Annotated, relating to duties of grand
11 jury, is amended by revising subparagraph (b)(5)(E) as follows:

12 "(E) Prior to the introduction of any evidence or the first witness being sworn, the
13 district attorney shall advise the grand jury of the laws applicable to the conduct of such
14 review. In particular, the grand jury shall be advised of Code Sections 16-3-20,
15 16-3-21, ~~16-3-23.1~~, and 17-4-20."

16 **SECTION 2.**

S. B. 135

17 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
18 amended by repealing in its entirety Code Section 16-3-23.1, relating to no duty to retreat
19 prior to the use of force in self-defense.

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SECTION 3.

21 Said title is further amended by revising Code Section 16-3-24.2, relating to immunity from
22 prosecution, as follows:

23 "16-3-24.2.

24 A person who uses threats or force in accordance with Code Section 16-3-21, 16-3-23,
25 ~~16-3-23.1~~, or 16-3-24 shall be immune from criminal prosecution therefor unless, in the use
26 of deadly force, such person utilizes a weapon, the carrying or possession of which is
27 unlawful by such person under Part 2 or 3 of Article 4 of Chapter 11 of this title."

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SECTION 4.

29 Said title is further amended by repealing in its entirety Code Section 16-11-138, relating to
30 defense of self or others as absolute defense.

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SECTION 5.

32 Said title is further amended by repealing in its entirety Code Section 16-12-129, relating to
33 defense of self or others an absolute defense to a violation under Part 2 of Article 4 of
34 Chapter 12 of this title.

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SECTION 6.

36 Code Section 17-7-52 of the Official Code of Georgia Annotated, relating to procedure for
37 indictment or special presentment of peace officer for crime in performance of duties,
38 notification, and rights of officer, is amended by revising subsection (c) as follows:

39 "(c) Prior to the introduction of any evidence or the first witness being sworn, the
40 prosecuting attorney shall advise the grand jury of the laws applicable to the conduct of
41 such proceedings, all relevant sections of the Code relating to the crime or crimes alleged
42 in the bill of indictment, and any Code section that excuses or justifies such conduct. In
43 particular, the grand jury shall be advised of Code Sections 16-3-20, 16-3-21, ~~16-3-23.1,~~
44 and 17-4-20."

45 **SECTION 7.**

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