

April 18, 2011

Georgia General Assembly Enacts Modern Evidence Code

In a historic vote on the last day of the 2011 legislative session, the Georgia Senate passed a comprehensive revised Evidence Code, patterned on the Federal Rules of Evidence. The measure would replace the existing evidence statutes, found in Title 24 and elsewhere in the Georgia Code, many of which were enacted in the 1860s. The Senate vote was 50-3, rejecting two last-minute amendments. The bill, HB 24, had previously been passed by the Georgia House by an overwhelming margin, and it now moves on to Governor Nathan Deal who is expected to sign the bill into law.

HB 24 was a legislative priority of the State Bar of Georgia and was largely based on proposed legislation produced by the Bar's Evidence Study Committee and adopted by its Board of Governors.

Sutherland litigation partner Thomas M. Byrne has been chair of the Evidence Study Committee since 2007 and had served as the committee's vice-chair beginning in 2004.

If HB 24 is signed by the Governor, Georgia will join 43 other states that have enacted evidence codes or rules based on the Federal Rules of Evidence. HB 24 retains certain longstanding Georgia evidence doctrines, such as wide-open, "sifting" cross-examination, but incorporates most of the substance and the organization of the Federal Rules. The new law would become effective on January 1, 2013.

A copy of the bill is available [here](#).

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