

## O.C.G.A. § 17-17-15

Current through Acts 2023, No. 23-353 of the 2023 Session, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

**Official Code of Georgia Annotated > TITLE 17 Criminal Procedure (Chs. 1 — 21) > CHAPTER 17 Crime Victims' Bill of Rights (§§ 17-17-1 — 17-17-16)**

### **17-17-15. Failure to provide notice not rendering responsible person liable or comprising basis for error; chapter not conferring standing upon victim to participate as party in criminal proceeding; existing rights not affected; waiver of rights by victim.**

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- (a) Failure to provide or to timely provide any of the information or notifications required by this chapter shall not subject the person responsible for such notification or that person's employer to any liability for damages.
- (b) Failure to provide a victim with any of the rights required by law shall not give an accused a basis for error in either an appellate action or a post-conviction writ of habeas corpus.
- (c)
- (1) Except as provided in this subsection, this chapter shall not confer upon a victim any standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.
- (2)
- (A) When a victim has made a written request to the prosecuting attorney to be notified of all proceedings and has provided contact information to the prosecuting attorney, and such victim asserts that he or she was not provided notification of a proceeding, he or she may file a motion requesting to be heard on such matter. When a victim has made a written request to the prosecuting attorney to be heard according to this chapter in a criminal proceeding and alleges that he or she was not given such opportunity by the prosecuting attorney or court, such victim may file a motion requesting to be heard on such matter. When a victim alleges that any other provision of this chapter has not been complied with, such victim may file a motion alleging such deficiency and requesting to be heard on such matter.
- (B) Such motion shall be filed as soon as possible, but not later than 20 days after the claimed denial. Such motion shall be filed in the criminal case, and the victim shall provide a copy of the motion and hearing notice to the prosecuting attorney and the defendant.
- (3) The court may set the victim's motion for a hearing or issue an order disposing of the motion. If the court conducts a hearing, the prosecuting attorney and the defendant shall have a right to be present at such hearing.
- (4) The court's decision on all issues of fact and law raised in a motion under this subsection shall be final and shall not be subject to appeal.
- (5) A motion filed pursuant to this subsection shall be the only means of raising or enforcing the rights provided under this chapter or [Article I, Section I, Paragraph XXX of the Constitution of Georgia](#).

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- (6) When the victim's motion alleges potential failure by the prosecuting attorney, the prosecuting attorney may recuse in accordance with [Code Section 15-18-5](#) or [15-18-65](#), as applicable. When the victim's motion alleges potential failure by the court, the judge may recuse in accordance with [Code Section 15-1-8](#).
- (d) The enumeration of these rights shall not be construed to deny or diminish other notification rights granted by state law.
- (e) The victim may waive any of the information or notification or other rights provided for by this chapter.

## History

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Code 1981, § 17-17-15, enacted by Ga. L. 1995, p. 385, § 2; [Ga. L. 2018, p. 920, § 1/SB 127](#).

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