

West's Code of Georgia Annotated
Title 17. Criminal Procedure (Refs & Annos)
Chapter 20. Witness Identification Procedures

Ga. Code Ann., § 17-20-1

§ 17-20-1. Definitions

Effective: July 1, 2016

Currentness

<Section effective July 1, 2016.>

As used in this chapter, the term:

- (1) "Fillers" means individuals who are not suspects.
- (2) "Law enforcement agency" means a governmental unit of one or more individuals employed full time or part time by the state, a state agency or department, or a political subdivision which performs as its principal function activities relating to preventing and detecting crime and enforcing state laws or local ordinances, employees of which unit are authorized to make arrests for crimes while acting within the scope of their authority.
- (3) "Live lineup" means an identification procedure in which a suspect and fillers are displayed in person to a witness.
- (4) "Photo lineup" means an identification procedure in which a photograph of a suspect and photographs of fillers are displayed to a witness, either in hard copy form or via computer.
- (5) "Showup" means an identification procedure in which a witness is presented with a single individual.
- (6) "Suspect" means the individual believed by law enforcement to be the possible perpetrator of an alleged crime.
- (7) "Witness" means an individual who observes an alleged crime.

Credits

[Laws 2015, Act 173, § 4, eff. July 1, 2016.](#)

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Ga. Code Ann., § 17-20-2

§ 17-20-2. Live lineups, photo lineups, or showups; written policies

Effective: July 1, 2016

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<Section effective July 1, 2016.>

(a) Not later than July 1, 2016, any law enforcement agency that conducts live lineups, photo lineups, or showups shall adopt written policies for using such procedures for the purpose of determining whether a witness identifies someone as the perpetrator of an alleged crime.

(b) Live lineup, photo lineup, and showup policies shall include the following:

(1) With respect to a live lineup, having an individual who does not know the identity of the suspect conduct the live procedure;

(2) With respect to a photo lineup, having an individual:

(A) Who does not know the identity of the suspect conduct the photo lineup; or

(B) Who knows the identity of the suspect use a procedure in which photographs are placed in folders, randomly shuffled, and then presented to the witness so that the individual conducting such procedure cannot physically see which photograph is being viewed by the witness until the procedure is complete;

(3) Providing the witness with instruction that the perpetrator of the alleged crime may or may not be present in the live lineup or photo lineup;

(4) Composing a live lineup or photo lineup so that the fillers generally resemble the witness's description of the perpetrator of the alleged crime;

(5) Using a minimum of four fillers in a live lineup and a minimum of five fillers in a photo lineup; and

(6) Having the individual conducting a live lineup, photo lineup, or showup seek and document, at the time that an

identification of an individual or photograph is made, and in the witness's own words without necessarily referencing a numeric or percentage standard, a clear statement from the witness as to the witness's confidence level that the individual or photograph identified is the individual or photograph of the individual who committed the alleged crime.

(c) All law enforcement agency written policies adopted pursuant to this Code section shall be subject to public disclosure and inspection notwithstanding any provision to the contrary in Article 4 of Chapter 18 of Title 50.

Credits

[Laws 2015, Act 173, § 4, eff. July 1, 2016.](#)

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Ga. Code Ann., § 17-20-3

§ 17-20-3. Failure to comply with chapter

Effective: July 1, 2016

Currentness

<Section effective July 1, 2016.>

The court may consider the failure to comply with the requirements of this chapter with respect to any challenge to an identification; provided, however, that such failure shall not mandate the exclusion of identification evidence.

Credits

[Laws 2015, Act 173, § 4, eff. July 1, 2016.](#)