

9-1-2002

## DEATH PENALTY NOTIFICATION Death Penalty Cases; Appeals; General Assembly Notify Victim's Family

Jacqueline Knapp

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

---

### Recommended Citation

Jacqueline Knapp, *DEATH PENALTY NOTIFICATION Death Penalty Cases; Appeals; General Assembly Notify Victim's Family*, 19 GA. ST. U. L. REV. (2002).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol19/iss1/15>

This Peach Sheet is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact [mbutler@gsu.edu](mailto:mbutler@gsu.edu).

## DEATH PENALTY NOTIFICATION

### *Death Penalty Cases; Appeals; General Assembly Notify Victim's Family*

CODE SECTIONS:	O.C.G.A. §§ 17-17-3, 17-17-12 (amended)
BILL NUMBER:	HB 1070
ACT NUMBER:	910
GEORGIA LAWS:	2002 Ga. Laws 1093
SUMMARY:	The Act requires the attorney general in a case in which the accused is convicted of a capital offense to notify the victim's family at least twice per year regarding legal proceedings in connection with the conviction upon request by the victim's family.
EFFECTIVE DATE:	July 1, 2002

### *History*

In 1973, news spread quickly through Seminole County, Georgia, regarding the violent murders of the entire Alday family.<sup>1</sup> Tragically, four men, three escaped convicts and one convict's half-brother, killed all six members of Ned Alday's family, which included his three sons, a brother, and a daughter-in-law.<sup>2</sup> Carl Isaacs, one of the murderers, has been convicted not once, but twice of capital murder.<sup>3</sup> Isaacs has spent the last twenty-nine years in prison for these murders, as the Alday family lies in their graves waiting for justice.<sup>4</sup> Currently, in Georgia, there are 123 prisoners on death row to which this bill is applicable.<sup>5</sup> In Georgia, since 1976, "17 death row

---

1. Audio Recording of House Proceedings, Feb. 8, 2002 (remarks by Rep. Bob Irvin), at <http://www.state.ga.us/services/leg/audio/2002archive.html> [hereinafter House Audio].

2. House Audio, *supra* note 1 (remarks by Rep. Bob Irvin); *2002 Georgia Legislature: Legislative Notes Staff Reports and News Services*, ATLANTA J. CONST., Apr. 3, 2002, at B3, available at 2002 WL 3717139.

3. House Audio, *supra* note 1 (remarks by Rep. Bob Irvin).

4. *Id.*

5. *Id.*

inmates have died before reaching the electric chair . . . . Since 1997, there have been 2 natural deaths and just 1 execution.”<sup>6</sup>

Furthermore, the Alday family has not been notified of various legal proceedings during this time.<sup>7</sup> For example, after Isaacs had spent thirteen years in prison, a retrial was granted. But, how did the Alday family receive notification of this retrial? The Aldays read about the reconsideration of Isaacs’ case in the newspaper.<sup>8</sup> Also, during this retrial, members of Isaacs’s family were allowed to address the jury and beg for mercy.<sup>9</sup> So, where was the Alday family? Unlike Isaac’s family, the victims’ family was not allowed to address the jury and was sitting in the courtroom out of the jury’s direct sight.<sup>10</sup>

This legislation was created to address the issue of victims’ families being excluded from the legal process; thus, HB 1070 would require the State to keep in touch with them every six months upon their request.<sup>11</sup>

## *HB 1070*

### *Introduction*

Representatives Bob Irvin, Chuck Sims, Larry O’Neal, Larry Walker, and John Lunsford of the 45th, 167th, 139th, 141st, and 109th, respectively, sponsored HB 1070.<sup>12</sup> Representative Irvin introduced the bill on the House floor on January 18, 2002.<sup>13</sup> The House assigned the bill to the House Special Judiciary Committee,

---

6. Rick Halperin, *News: GA., FLA., KY., ATLANTA CREATIVE LOAFING*, Aug. 26, 2000, available at <http://venus.soci.niu.edu/~archives/ABOLISH/rick-halperin/jun00/0555.html> (last visited Apr. 4, 2002).

7. House Audio, *supra* note 1 (remarks by Rep. Bob Irvin).

8. *Id.*

9. *Id.*

10. *Id.* Mr. Irvin presented the House with words from Paige Barber of Houston County, the granddaughter of Ned Alday, in which she read a letter written by her father regarding the feelings of the Alday family. *Id.*

11. *Id.*; *Alday Bill: Death Row Victims’ Families Informed*, ATLANTA J. CONST., Apr. 13, 2002.

12. HB 1070, as introduced, 2002 Ga. Gen. Assem.

13. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002; House Audio, *supra* note 1.

which favorably reported the bill on February 6, 2002.<sup>14</sup> On February 8, 2002, the House passed the bill unanimously.<sup>15</sup>

On February 11, 2002, the Senate assigned the bill to its Corrections, Correctional Institutions & Property Committee, which favorably reported the bill on March 27, 2002 after including an amendment.<sup>16</sup> On April 2, 2002, the Senate unanimously adopted the Committee amendment, which removed the requirement that the attorney general “[n]otify the victim of the filing and disposition of all appeals . . .”<sup>17</sup> On April 9, 2002, the House adopted the Senate amendment and passed the bill.<sup>18</sup> On April 24, 2002, the House sent the bill to Governor Roy Barnes, and he signed HB 1070 into law on May 15, 2002.<sup>19</sup>

### *Senate Committee*

On February 8, 2002, the House unanimously passed HB 1070 and the Senate then assigned the bill to the Corrections Committee.<sup>20</sup> This Committee made a few changes and offered an amendment to the House version, which the Senate passed unanimously on April 2, 2002.<sup>21</sup> The Senate Corrections Committee changes were offered to provide clarification as to which legal proceedings were to be covered by this Act.<sup>22</sup> The language inserted by the Committee specified proceedings or attacks defended by the attorney general were to be subject to the Act’s requirements.<sup>23</sup> On April 9, 2002, the House agreed to the Senate Corrections Committee changes.<sup>24</sup>

---

14. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002.

15. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002; Georgia House of Representatives Voting Record, HB 1070 (Feb. 8, 2002).

16. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002; HB 1070 (SCA), 2002 Ga. Gen. Assem.

17. Georgia Senate Voting Record, HB 1070 (Apr. 2, 2002); *Compare* HB 1070, as introduced, 2002 Ga. Gen. Assem., with HB 1070 (SCA), 2002 Ga. Gen. Assem.

18. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002.

19. 2002 Ga. Laws 1093, § 2, at 1094.

20. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002; Georgia House of Representatives Voting Record, HB 1070 (Feb. 8, 2002).

21. Georgia Senate Voting Record, HB 1070 (Apr. 2, 2002); *Compare* HB 1070, as introduced, 2002 Ga. Gen. Assem., with HB 1070 (SCA), 2002 Ga. Gen. Assem.

22. *Compare* HB 1070, as introduced, 2002 Ga. Gen. Assem., with HB 1070 (SCA), 2002 Ga. Gen. Assem.

23. *Id.*

24. State of Georgia Final Composite Status Sheet, HB 1070, Apr. 12, 2002.

*The Act*

The Act amends Code section 17-17-12 of the Georgia Code by inserting two new subsections that require, upon request by the victim, the attorney general to notify the victim of all “collateral attacks” on a capital punishment conviction and provide a status report to the victim “at least every six months until the accused dies.”<sup>25</sup> This notification must also include the time and place of legal proceedings that fall under the Act, and the victim must be kept aware of any changes in these logistics.<sup>26</sup>

The Senate Corrections Committee amended the House version of the Act by striking the subsection that required notification by the attorney general of the “filing and disposition of all appeals to such conviction.”<sup>27</sup> In two subsections of the revised portion of the Act, the Committee also added the language, “which are being defended by the Attorney General,” after the word “conviction” for clarification.<sup>28</sup>

*Jacqueline Knapp*

---

25. O.C.G.A. § 17-17-12 (Supp. 2002).

26. *Id.*

27. Compare HB 1070, as introduced, 2002 Ga. Gen. Assem., with HB 1070 (SCA), 2002 Ga. Gen. Assem.

28. *Id.*