

Senate Bill 102

By: Senators Clay of the 37th, Meyer von Bremen of the 12th, Tanksley of the 32nd, Reed of the 35th, Harp of the 16th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the
2 legal defense of indigents, so as to create the Georgia Indigent Defense Board; to provide for
3 membership; to provide that on September 30, 2003, the board shall assume all powers,
4 duties, and responsibilities of the Georgia Indigent Defense Council; to provide that on such
5 date the Georgia Indigent Defense Council shall cease to exist; to provide for rules and
6 standards; to enact the "Georgia Indigent Defense Act of 2003"; to provide a short title; to
7 provide a statement of purpose; to provide a statement of policy; to make certain findings;
8 to define certain terms; to provide for responsibilities of the Georgia Indigent Defense Board;
9 to provide for budget authority; to provide for the duties and responsibilities of the director
10 of the office of state public defender; to provide for the appointment of a circuit public
11 defender; to provide for the responsibilities of the circuit public defender; to provide for
12 conflicts of interest; to provide for the scope of representation; to provide for the duties of
13 the custodian of indigent detainees; to provide for an allocation of funding responsibilities;
14 to provide for certain prohibitions and qualifications; to provide for the mental health
15 advocacy division; to provide for its status; to provide for duties and responsibilities; to
16 provide for a budget; to provide for the appointment of a mental health advocate; to provide
17 for a staff; to provide for representation; to provide for the office of the multicounty capital
18 defender; to define certain terms; to provide for a multicounty capital defender; to provide
19 for responsibilities; to provide for a budget; to provide for appointment; to provide for the
20 employment of a staff; to amend Title 15 of the Official Code of Georgia Annotated, relating
21 to courts, so as to strike references to the Georgia Indigent Defense Council; to amend Title
22 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to delete
23 a certain internal reference; to amend Title 35 of the Official Code of Georgia Annotated,
24 relating to law enforcement officers and agencies, so as to change certain internal references;
25 to amend Code Section 36-32-1 of the Official Code of Georgia Annotated, relating to the
26 establishment of municipal courts, punishments, and the selection, election, or appointment
27 of the mayor pro tempore or recorder pro tempore, so as to provide for a notice of right to
28 representation; to provide for representation in municipal court; to provide for the provision

1 of counsel; to provide for related matters; to provide effective dates; to repeal conflicting
2 laws; and for other purposes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

4 **PART I**
5 **SECTION 1-1.**

6 Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to
7 state funded local indigent defense programs, is amended by inserting immediately following
8 Code Section 17-12-31 a new Code section to read as follows:

9 "17-12-31.1.

10 (a) There is created the Georgia Indigent Defense Board, which shall be an independent
11 agency within the judicial branch of state government. The board shall be responsible for
12 assuring that adequate and effective legal representation is provided, independently of
13 political considerations or private interests, to indigent persons who are entitled to
14 representation under this article.

15 (b) The board shall consist of 13 members. The Georgia Supreme Court shall appoint ten
16 members, one from each of the state's ten judicial districts, and the Governor, the
17 Lieutenant Governor, and the Speaker of the House of Representatives shall each appoint
18 one member. In making these appointments, the appointing authorities shall seek to
19 identify and appoint persons who represent a diversity of backgrounds and experience, and
20 shall receive suggestions from the State Bar of Georgia, the Georgia Association of
21 Criminal Defense Lawyers, the councils representing the various categories of state court
22 judges in Georgia, and the Prosecuting Attorneys' Council of the State of Georgia, as well
23 as from the public and other interested organizations and individuals within the state.
24 Board members shall serve four-year terms with a limit of two consecutive full terms after
25 any initial abbreviated or unexpired term. The initial terms for board members
26 representing odd-numbered judicial districts and the initial term for the appointee of the
27 Lieutenant Governor shall be for two years, while all other initial appointees shall serve
28 four-year terms.

29 (c) Members of the board should represent a diversity of backgrounds, experience, and
30 qualifications and shall be individuals with significant experience working in the criminal
31 justice system or who have demonstrated a strong commitment to the provision of adequate
32 and effective representation of indigent defendants.

1 (d) All board members shall serve independently of the appointing authority and shall at
2 all times act in the best interest of indigent defendants who are receiving legal
3 representation under the provisions of this article.

4 (e) All members of the board shall be entitled to vote on any matter coming before the
5 board unless otherwise provided by law or by rules adopted by the board concerning
6 conflicts of interest.

7 (f) Each member of the board shall serve until a successor has been appointed. Vacancies
8 shall be filled by appointment by the original appointing authority for any unexpired term.
9 Removal of board members shall be in accordance with policies and procedures adopted
10 by the board.

11 (g) Unless otherwise provided in this article, a quorum shall be a majority of the members
12 of the board who are then in office, and decisions of the board shall be by majority vote of
13 the members present, except that a majority of the entire board must approve the
14 appointment or removal of the director and the use of an alternative system of providing
15 indigent defense representation in judicial circuits.

16 (h) The board shall meet at least quarterly and at such other times and places as it deems
17 necessary or convenient for the performance of its duties.

18 (i) The board shall elect a chairperson and such officers from the members of the board
19 as it deems necessary and shall adopt such rules for the transaction of its business as it
20 desires. The chairperson and officers shall serve for a term of two years and may be
21 removed without cause by a vote of two-thirds of the members of the entire board and for
22 cause by a majority vote of the entire board. The chairperson shall retain a vote on all
23 matters except the removal of the chairperson for cause. The board shall keep and maintain
24 minutes of all board meetings.

25 (j) The members of the board shall receive no compensation for their services but shall be
26 reimbursed for their actual expenses incurred in the performance of their duties as members
27 of the board. Any expenses incurred by the board shall be paid from the general operating
28 budget of the board.

29 (k) On September 30, 2003, the board shall assume all powers, duties, and obligations of
30 the Georgia Indigent Defense Council, and all references in this Code to the Georgia
31 Indigent Defense Council shall be deemed to be references to the board. On such date, the
32 assets and resources of the Georgia Indigent Defense Council shall be transferred to the
33 board, and the board shall assume any executory contractual obligations of the Georgia
34 Indigent Defense Council, provided that allocated funding resources for such obligations
35 are also transferred.

36 (l) The board shall have the authority to prepare rules and standards in anticipation of
37 legislation enacting the 'Georgia Indigent Defense Act of 2003'; provided, however, that

1 such rules and standards shall not become effective until the effective date of such
2 legislation.

3 (m) To the extent feasible, as may be determined by the board, employees of the Georgia
4 Indigent Defense Council who are in good standing as of September 30, 2003, shall be
5 extended an opportunity to be employed in a similar capacity by the board."

6 **SECTION 1-2.**

7 Said article is further amended by inserting at the end of Code Section 17-12-32, relating to
8 the establishment of the Georgia Indigent Defense Council, composition, qualifications,
9 appointment, and terms of office of members, vacancies, meetings, officers, compensation,
10 legal status, and powers, a new subsection to read as follows:

11 "(g) Any other provision of this article to the contrary notwithstanding, the council shall
12 cease to exist on September 30, 2003, and all powers, duties, obligations, and assets of the
13 council shall be transferred to the Georgia Indigent Defense Board created by Code Section
14 17-12-31.1, and all references in this Code to the council shall be deemed to be references
15 to the Georgia Indigent Defense Board."

16 **PART II.**

17 **SECTION 2-1.**

18 Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the legal
19 defense of indigents, is amended by striking in its entirety Article 1, relating to local indigent
20 defense programs generally, and Article 2, relating to state funded local indigent defense
21 programs, and inserting in lieu thereof the following:

22 "ARTICLE 1

23 17-12-1.

24 (a) This article shall be known and may be cited as the 'Georgia Indigent Defense Act of
25 2003.'

26 (b) The purpose of this article is to ensure that all indigent defendants who are entitled to
27 legal representation under the Constitution and laws of the United States and the State of
28 Georgia are provided uniformly effective representation in each of the judicial circuits of
29 the State of Georgia. Toward that goal, this article establishes a state-wide, independent
30 Georgia Indigent Defense Board.

1 (c)(1) The General Assembly declares it is the policy of this state to provide equal justice
2 under the law and equal and speedy access to the courts to all of its citizens, including
3 indigent criminal defendants.

4 (2) The General Assembly further declares that the Georgia Indigent Defense Board shall
5 at all times serve its clients independently of any political considerations or private
6 interests, provide legal representation to indigent criminal defendants that is comparable
7 to that which is available to nonindigent criminal defendants, and conduct the business
8 of the board in accordance with all applicable standards of ethics, performance, and
9 professionalism.

10 (3) The General Assembly further finds and declares:

11 (A) The provision of legal counsel for indigent persons accused of violating criminal
12 laws is a constitutionally mandated public responsibility;

13 (B) The provision of legal counsel for indigent persons accused of violating the
14 criminal laws of this state is the responsibility of the state government;

15 (C) Indigent defense counsel provided by the government should have the same degree
16 of professional independence as that of privately retained defense counsel;

17 (D) A state-wide public defender system organized by judicial circuits will provide
18 uniformly effective and efficient legal representation for indigent defendants throughout
19 Georgia;

20 (E) Indigent defense counsel should be provided with adequate support staff, including,
21 but not limited to, investigators, paralegals, social workers, expert witnesses, and other
22 resources necessary to make an independent assessment of each case and to assure
23 fairness and due process for each defendant;

24 (F) The workload of indigent defense counsel should never adversely affect the quality
25 of representation of the indigent client;

26 (G) Indigent defense counsel's ability, training, and experience should match the
27 complexity of the case;

28 (H) Indigent defense counsel should receive appropriate training and continuing legal
29 education courses in criminal law and procedure and trial practice;

30 (I) Indigent defense counsel should be systematically reviewed for quality and
31 efficiency of representation; and

32 (J) Indigent defendants are entitled to meet with indigent defense counsel as soon as
33 possible after arrest to ensure the adequate protection of constitutional and other legal
34 rights.

35 17-12-2.

36 As used in this article, the term:

1 (1) 'Assistant public defender' means an attorney who is employed by the office of the
 2 state public defender or any office under it, including circuit public defender and conflict
 3 defender offices, for the purpose of providing legal representation to indigent persons
 4 who are entitled to representation under this article.

5 (2) 'Board' means the Georgia Indigent Defense Board.

6 (3) 'Circuit public defender' means the head of a public defender office providing
 7 indigent defense representation within any given judicial circuit of this state.

8 (4) 'Circuit public defender office' means the office of any of the several circuit public
 9 defenders.

10 (5) 'Conflict defender office' means an office established in one or more judicial circuits
 11 by the board for the purpose of providing legal representation to indigent defendants in
 12 cases in which the circuit public defender office is prevented from such representation
 13 because of an ethical or legal conflict.

14 (6) 'Director' means the director of the office of the state public defender.

15 (7) 'Indigent person' means a person who is financially unable to secure legal
 16 representation and provide for all other necessary expenses of representation without
 17 substantial financial hardship to his or her family or legal dependents in the defense of
 18 criminal charges involving a possible deprivation of liberty.

19 (8) 'Office' means the office of the state public defender.

20 17-12-3.

21 There is created the Georgia Indigent Defense Board, which shall be an independent
 22 agency within the judicial branch of state government. The board shall be responsible for
 23 assuring that adequate and effective legal representation is provided, independently of
 24 political considerations or private interests, to indigent persons who are entitled to
 25 representation under this article.

26 17-12-4.

27 (a) The board shall consist of 13 members. The Georgia Supreme Court shall appoint ten
 28 members, one from each of the state's ten judicial districts, and the Governor, the
 29 Lieutenant Governor, and the Speaker of the House of Representatives shall each appoint
 30 one member. In making these appointments, the appointing authorities shall seek to
 31 identify and appoint persons who represent a diversity of backgrounds and experience, and
 32 shall receive suggestions from the State Bar of Georgia, the Georgia Association of
 33 Criminal Defense Lawyers, the councils representing the various categories of state court
 34 judges in Georgia, and the Prosecuting Attorneys' Council of the State of Georgia, as well
 35 as from the public and other interested organizations and individuals within the state.

1 Board members shall serve four-year terms with a limit of two consecutive full terms after
2 any initial abbreviated or unexpired term. The initial terms for board members
3 representing odd-numbered judicial districts and the initial term for the appointee of the
4 Lieutenant Governor shall be for two years, while all other initial appointees shall serve
5 four-year terms.

6 (b) All board members shall serve independently of the appointing authority and shall at
7 all times act in the best interest of indigent defendants who are receiving legal
8 representation under the provisions of this article.

9 (c) All members of the board shall be entitled to vote on any matter coming before the
10 board unless otherwise provided by law or by rules adopted by the board concerning
11 conflicts of interest.

12 (d) Each member of the board shall serve until a successor has been appointed. Vacancies
13 shall be filled by appointment by the original appointing authority for any unexpired term.
14 Removal of board members shall be in accordance with policies and procedures adopted
15 by the board.

16 (e) Unless otherwise provided in this article, a quorum shall be a majority of the members
17 of the board who are then in office, and decisions of the board shall be by majority vote of
18 the members present, except that a majority of the entire board must approve the
19 appointment or removal of the director and the use of an alternative system of providing
20 indigent defense representation in judicial circuits.

21 (f) The board shall meet at least quarterly and at such other times and places as it deems
22 necessary or convenient for the performance of its duties.

23 (g) The board shall elect a chairperson and such officers from the members of the board
24 as it deems necessary and shall adopt such rules for the transaction of its business as it
25 desires. The chairperson and officers shall serve for a term of two years and may be
26 removed without cause by a vote of two-thirds of the members of the entire board and for
27 cause by a majority vote of the entire board. The chairperson shall retain a vote on all
28 matters except the removal of the chairperson for cause. The board shall keep and maintain
29 minutes of all board meetings.

30 (h) The members of the board shall receive no compensation for their services but shall
31 be reimbursed for their actual expenses incurred in the performance of their duties as
32 members of the board. Any expenses incurred by the board shall be paid from the general
33 operating budget of the board.

1 17-12-5.

2 (a) The board shall approve the development and improvement of programs by which the
3 office of the state public defender provides legal representation to indigent persons and
4 juveniles.

5 (b) The board shall appoint a director of the office of the state public defender who shall
6 be chosen on the basis of training, experience, and other qualifications as set forth in this
7 article and board rules.

8 (c) The board shall submit to the General Assembly, with the advice of the director, a
9 proposed budget for the office, an annual report describing the activities of the office and
10 containing pertinent data on the operations, costs, and needs of the office, and such other
11 information as the General Assembly may require.

12 (d) The board shall approve and implement such programs, services, rules, policies,
13 procedures, regulations, and standards as may be necessary to fulfill the purposes and
14 provisions of this article and to comply with all applicable laws governing the rights of
15 indigent persons accused of violations of criminal law. Such standards shall include, but
16 shall not be limited to, the following:

17 (1) Standards for maintaining and operating circuit defender offices, including
18 requirements regarding qualifications, training, and size of the legal and supporting staff
19 of such offices;

20 (2) Standards prescribing minimum experience, training, and other qualifications for
21 appointed counsel where a conflict of interest arises between the public defender and
22 indigent person;

23 (3) Standards for assistant public defender and appointed counsel caseloads;

24 (4) Standards for the performance of assistant public defenders and appointed counsel
25 representing indigent persons;

26 (5) Standards and procedures for the appointment of independent, competent, and
27 efficient counsel for representation in both the trial and appellate courts of indigent
28 persons whose cases present conflicts of interest;

29 (6) Standards for providing and compensating experts, investigators, and other persons
30 who provide services necessary for the effective representation of indigent persons;

31 (7) Standards for qualifications and performance of counsel representing indigent
32 persons in capital cases;

33 (8) Standards for determining indigence and for assessing and collecting the costs of
34 legal representation and related services; and

35 (9) Standards for compensation of attorneys appointed to represent indigent persons
36 under this article.

1 (e) The board shall be authorized to permit a judicial circuit to implement an alternative
2 delivery system to the one set forth in this article if the board reasonably determines that
3 the alternative system will equal or exceed the quality of the indigent defense
4 representation provided by a circuit public defender office at no greater cost to the state and
5 that the alternative system will comply with all applicable state standards relating to
6 indigent defense representation. In the event an alternative system is approved, the board
7 and the director shall review the operation of such system as deemed necessary and
8 determine whether such system is eligible to continue operating as an approved alternative
9 system. Initial and subsequent approvals of alternative systems shall be by a majority vote
10 of the entire board. Circuits having alternative systems which are not approved by the
11 board shall have the right to appeal to the Supreme Court.

12 (f) The board shall be responsible for ensuring that all circuit public defenders, conflict
13 defenders, and appointed lawyers comply with all applicable standards established under
14 this article and shall have the authority to take any action the board deems appropriate to
15 assure compliance with such standards.

16 (g) The board shall collect, maintain, review, and publish records and statistics for the
17 purpose of evaluating the delivery of indigent defense representation in Georgia.

18 (h) The board shall perform such other duties as may be required to carry out the purposes
19 of this article.

20 (i) The board shall have oversight responsibility for the office of the multicounty capital
21 defender as provided in Article 2 of this chapter.

22 17-12-6.

23 (a) The board shall prepare and submit to the Judicial Council of Georgia an annual
24 proposed budget necessary for fulfilling the purposes of this article. The board is also
25 authorized to seek, solicit, apply for, and utilize funds from any public or private source to
26 use in fulfilling the purposes of this article.

27 (b) The budget of the board shall include the budget of all circuit public defenders and
28 other offices and entities, including conflict defender offices and appointed attorneys
29 providing indigent defense representation under the authority of this article.

30 (c) The director of the Administrative Office of the Courts shall provide general
31 administrative support, which shall include purchasing, payroll, and similar administrative
32 services, to the board.

33 (d) The director of the Administrative Office of the Courts shall not reduce or modify the
34 budget of the board and may not in any manner use funds appropriated to or otherwise
35 designated for the board.

1 (e) The board may enter into contracts, own property, and accept funds, grants, and gifts
2 from any public or private source for the implementation of its purposes under this article.

3 17-12-7.

4 (a)(1) The director shall establish and maintain a circuit public defender office for each
5 of the judicial circuits of the superior court, except for judicial circuits in which an
6 approved alternative delivery system is in operation. Where the director deems it
7 appropriate, a circuit public defender office may serve more than one judicial circuit. The
8 circuit public defender office shall represent all indigent persons within the judicial
9 circuit it serves who are entitled to representation under this article, with the exception
10 of cases in which such office would have a conflict of interest in providing
11 representation. The director may establish such additional circuit public defender offices
12 as may be necessary to assure the uniform and effective assistance of counsel for indigent
13 persons who are entitled to representation under this article.

14 (2)(A) The director shall appoint the circuit public defender for each of the circuit
15 offices. Nominations for the position of circuit public defender shall be made as
16 follows:

17 (i) The governing authority of each county comprising the circuit shall separately
18 nominate three candidates;

19 (ii) The district court administrator in whose district the circuit lies, after consulting
20 with the superior court judges of the circuit, shall nominate three candidates; and

21 (iii) The circuit bar association shall nominate three candidates.

22 The director shall consider, but not be limited to, such nominees; provided, however,
23 that if the director appoints a person who is not one of the nominees, any nominating
24 authority may petition the board to review the decision of the director. In that event,
25 the board shall consider such information as any party presents to it and shall make a
26 final determination as to the appointment.

27 (B) The circuit public defenders shall be appointed for a term of four years and may
28 be removed during the term at the pleasure of the director with the consent of a majority
29 of the board. Circuit public defenders may be reappointed to additional terms at the
30 discretion of the director.

31 (b)(1) The director, through the office of the state public defender, shall work with and
32 provide support services and programs for circuit public defender offices and other
33 attorneys representing indigent persons in criminal or juvenile cases in order to improve
34 the quality and effectiveness of legal representation of such persons and otherwise fulfill
35 the purposes of this article. Such services and programs shall include, but shall not be
36 limited to, technical, research, and administrative assistance; educational and training

1 programs for attorneys, investigators, and other staff; assistance with the representation
2 of indigent defendants with mental disabilities; assistance with the representation of
3 juveniles; and assistance with appellate advocacy.

4 (2) The director, with the consent of the board, may establish divisions within the office
5 to administer the services and programs as may be necessary to fulfill the purposes of this
6 article.

7 (3) The director may hire such staff employees and may contract with outside consultants
8 on behalf of the office as may be necessary to provide the services contemplated by this
9 article.

10 (c) The director shall:

11 (1) Prepare and submit to the board a proposed budget for the board, an annual report
12 containing pertinent data on the operations, costs, and needs of the board, and such other
13 information as the board may require;

14 (2) Develop such rules, policies, procedures, regulations, and standards as may be
15 necessary to carry out the provisions of this article and comply with all applicable laws,
16 standards, and regulations, and submit these to the board for approval;

17 (3) Administer and coordinate the operations of the board and supervise compliance with
18 rules, policies, procedures, regulations, and standards adopted by the board;

19 (4) Maintain proper records of all financial transactions related to the operation of the
20 board;

21 (5) At the director's discretion, solicit and accept on behalf of the board any funds that
22 may become available from any source, including government, nonprofit, or private
23 grants, gifts, or bequests;

24 (6) Coordinate the services of the board with any federal, county, or private programs
25 established to provide assistance to indigent persons in cases subject to this article and
26 consult with professional bodies concerning the implementation and improvement of
27 programs for providing indigent services;

28 (7) Provide for the training of attorneys and other staff involved in the legal
29 representation of persons subject to this article;

30 (8) Attend all board meetings, except those meetings or portions thereof that address the
31 question of appointment or removal of the director;

32 (9) Ensure that the expenditures of the board are not greater than the amounts budgeted
33 or available from other revenue sources; and

34 (10) Perform other duties as the board may assign.

1 17-12-8.

2 (a) The circuit public defender shall hire such additional assistant public defenders as may
3 be required to assure the uniform and effective assistance of counsel to indigent persons
4 entitled to representation under this article and substantial compliance with the maximum
5 caseload guidelines approved by the board. The circuit public defender shall also hire or
6 contract with such additional support staff, including attorneys, investigators, social
7 workers, paraprofessionals, clerical assistants, secretaries, and other personnel, as the
8 circuit public defender and director shall deem necessary to accomplish the purposes of this
9 article.

10 (b) The circuit public defender office shall make an initial determination of the financial
11 eligibility of any person or juvenile arrested, detained, or charged in any manner that would
12 entitle him or her to representation under this article, according to the standards for
13 indigence established by the board.

14 (c) Subject to the standards adopted by the board and consistent with the policies and
15 procedures established by the director, the circuit public defenders shall administer and
16 coordinate the day-to-day operations of their respective circuit public defender offices and
17 shall supervise the assistant public defenders and other staff serving in the circuit public
18 defender office to which the circuit public defender is appointed.

19 (d) The circuit public defender shall keep and maintain appropriate records and make
20 periodic reports to the director. These records shall include the number of persons
21 represented under this article, including cases assigned to other counsel based on conflict
22 of interest; the offenses charged; the outcome of each case; the expenditures made in
23 carrying out the duties imposed by this article; and any other information requested by the
24 director or the board.

25 17-12-9.

26 (a) The board shall establish a procedure for providing legal representation in cases where
27 the circuit public defender office has a conflict of interest. This procedure may be by
28 appointment of individual counsel on a case-by-case basis or by the establishment of a
29 conflict defender office in those circuits where the volume of cases may warrant a separate
30 conflict defender office.

31 (b) Lawyers who seek appointment in conflict cases shall be approved by the chief
32 superior court judge in the circuit where the case is pending; must have such experience
33 or training in the defense of criminal cases as is necessary in light of the complexity of the
34 case to which they are appointed; and must meet such qualifications and standards for the
35 representation of indigent defendants as are established by the board.

1 (c) The circuit public defender shall establish a method for identifying conflicts of interest
2 at the earliest possible opportunity.

3 17-12-10.

4 (a) The circuit public defender office shall provide representation in the following actions
5 and proceedings:

6 (1) Any case prosecuted under the laws of the State of Georgia in which there is a
7 possibility that a sentence of imprisonment or probation or a suspended sentence of
8 imprisonment may be adjudged;

9 (2) A petition for a writ of habeas corpus under Chapter 14 of Title 9, as provided in
10 subsection (c) of this Code section;

11 (3) A hearing on a revocation of probation;

12 (4) A hearing in which extradition to another state is sought;

13 (5) Any case prosecuted in juvenile court where the juvenile may face a disposition of
14 confinement, commitment, or probation;

15 (6) Any proceeding in juvenile court in which a child is alleged to be deprived or the
16 termination of parental rights is sought; and

17 (7) Any appeal of any of the proceedings enumerated in paragraphs (1) through (6) of
18 this subsection.

19 (b) In each of the actions and proceedings enumerated in subsection (a) of this Code
20 section, entitlement to the services of counsel begins as soon as is feasible after the indigent
21 person is taken into custody or service is made upon him or her of the charge, petition,
22 notice, or other initiating process.

23 17-12-11.

24 (a) The government authority having custody of a person at the time of arrest shall provide
25 the person arrested with an effective means of immediately contacting the circuit public
26 defender office to request representation.

27 (b) If a person, upon being taken into custody or at any time thereafter, informs the
28 custodial authority that he or she is indigent and desires counsel, the custodial authority
29 shall immediately inform the circuit public defender office serving the county in which the
30 person is located or for which the person is being held.

31 (c) Upon the release from custody of a person prior to trial, the custodial authority shall
32 inform the person of the right to appointed counsel and provide the telephone number and
33 address of the circuit public defender office or approved alternative system serving that
34 jurisdiction.

1 (d) The custodial authority shall provide all indigent detainees toll-free telephone access
2 to defense counsel at reasonable times and locations within the custodial institution.

3 17-12-12.

4 (a) The salary of the director shall be established by the board. The board shall establish
5 classes of assistant public defenders, investigators, and other employees, and shall establish
6 salary schedules for each employee classification.

7 (b) On and after July 1, 2003, the Georgia Indigent Defense Board, through funds
8 appropriated by the General Assembly, shall be responsible for the payment of the
9 following:

10 (1) The salaries of the director of the office of state public defender, and all circuit,
11 conflict, and assistant public defenders;

12 (2) The salaries of any investigators, paraprofessionals, clerical assistants, secretaries,
13 and other personnel as the director shall deem reasonably necessary to assure the uniform
14 and effective assistance of counsel to all indigent persons who are entitled to
15 representation under this article; and

16 (3) The payment of such additional costs as may be necessary to comply with all
17 applicable laws and otherwise fulfill the purposes set forth in this article.

18 (c) The governing authority of each county shall provide, in conjunction and cooperation
19 with the other counties in the judicial circuit, and in pro rata share, according to the
20 indigent caseload of each such county, appropriate facilities, including office space,
21 furniture, equipment, books, postage, supplies, utilities, telephone expenses, materials, and
22 interviewing facilities, in the jail and courthouse as may be necessary to equip, maintain,
23 and furnish the office or offices of the circuit public defender serving the judicial circuit
24 in which such county is located.

25 (d) Nothing in this article shall be construed to limit the power of the court in which an
26 action is brought to order the state to pay expenses for the legal representation of an
27 indigent person in a criminal case as may be required by the Constitution or laws of the
28 State of Georgia or of the United States in order to ensure the person is afforded the right
29 to effective assistance of counsel and a fair trial.

30 17-12-13.

31 (a) The director and any attorney employed by the board or by any circuit public defender
32 or conflict defender office operating under this article shall not engage in the private
33 practice of law. Notwithstanding any other restrictions as may be imposed in this article,
34 attorneys with pending private legal matters at the time of appointment with any such
35 office shall have a reasonable length of time to conclude or transfer such cases, consistent

1 with the applicable standards of professional and ethical conduct. This subsection shall not
2 apply to private attorneys who accept appointments on a case-by-case basis.

3 (b)(1) To be eligible for appointment as director of the office of the state public defender,
4 a person must:

5 (A) Have been a resident citizen of this state three years just preceding his or her
6 appointment;

7 (B) Permanently reside in the circuit at the time of his or her appointment;

8 (C) Have attained the age of 25 years;

9 (D) Have been duly admitted and licensed to practice law in the superior courts for at
10 least three years; and

11 (E) If previously disbarred from the practice of law, have been reinstated as provided
12 by law.

13 The board may establish such additional qualifications as it deems appropriate to
14 accomplish the purposes of this article.

15 (2) The director shall be appointed by the board for a term of five years, shall serve at
16 the pleasure of the board, and may be removed during that term by majority vote of the
17 entire board. The director may be reappointed to additional terms at the discretion of the
18 board.

19 (c)(1) To be eligible for appointment as a circuit public defender, a person must:

20 (A) Have been a resident citizen of this state three years just preceding his or her
21 appointment;

22 (B) Permanently reside in the circuit at the time of his or her appointment;

23 (C) Have attained the age of 25 years;

24 (D) Have been duly admitted and licensed to practice law in the superior courts for at
25 least three years; and

26 (E) If previously disbarred from the practice of law, have been reinstated as provided
27 by law.

28 The board may establish such additional qualifications as it deems appropriate to
29 accomplish the purposes of this article.

30 (2) Circuit public defenders shall be appointed for a term of four years and may be
31 removed during the term at the pleasure of the director with the consent of a majority of
32 the board. Circuit public defenders may be reappointed to additional terms at the
33 discretion of the director.

34 17-12-14.

35 There is created the mental health advocacy division of the Georgia Indigent Defense
36 Board for the purpose of undertaking the representation of indigent persons found not

1 guilty by reason of insanity at the time of the crime in any court in this state. The division
2 shall serve all counties of this state.

3 17-12-15.

4 The mental health advocacy division shall be a legal entity; shall have perpetual existence;
5 may contract; may own property; may accept funds, grants, and gifts from any public or
6 private source, which funds shall be used to defray the expenses incident to implementing
7 its purposes; and may establish a principal office.

8 17-12-16.

9 The Georgia Indigent Defense Board and the director of the office of the state public
10 defender shall be responsible for management of the division. Managerial duties shall
11 include, but are not limited to, the following:

12 (1) Appointment of the mental health advocate;

13 (2) Establishing the salaries of the mental health advocate and the division's staff;

14 (3) Approving the level of staffing and establishing policy consistent with the intent of
15 Code Sections 17-12-14, 17-12-15, 17-12-17 through 17-12-20, and this Code section;
16 and

17 (4) Preparing an annual budget for the division, administering the funds made available
18 to the division, and overseeing the expenditure of such funds.

19 17-12-17.

20 The board and the director shall prepare an annual budget showing all anticipated expenses
21 of the division for the following fiscal year, which shall be the same as the fiscal year of
22 this state. Such budget may be submitted by the mental health advocate.

23 17-12-18.

24 The mental health advocate shall be appointed by and shall serve at the pleasure of the
25 board. The mental health advocate must have been licensed to practice law in this state for
26 at least five years and must be competent to counsel and represent a person found not guilty
27 by reason of insanity at the time of the crime. The salary of the mental health advocate
28 shall be established by the board.

29 17-12-19.

30 The mental health advocate shall employ, with the advice and consent of the board and the
31 director and in the manner and at the compensation prescribed by the board, as many
32 assistant attorneys, clerks, investigators, stenographers, and any other persons as may be

1 necessary for carrying out the responsibilities assigned to the division by law. A person
 2 employed under this Code section serves at the pleasure of the mental health advocate and
 3 the director.

4 17-12-20.

5 (a) Whenever any person has been found not guilty by reason of insanity at the time of the
 6 crime pursuant to Code Section 17-7-131 and has been determined to be indigent, as
 7 provided in this article, the court in which such charges are pending shall notify the mental
 8 health advocacy division of the board and the division may assume the defense and
 9 representation of such persons in all matters pursuant to Code Section 17-7-131 if the
 10 resources, funding, and staffing of the division allow; provided, however, that the public
 11 defender of any county or the court appointed attorney who represented the indigent at the
 12 time of the finding of not guilty by reason of insanity at the time of the crime shall have the
 13 option to retain responsibility for the representation of any such person.

14 (b) Nothing in this Code section shall prevent the court or the court appointed attorney
 15 from requesting the participation of the division prior to a finding of not guilty by reason
 16 of insanity at the time of the crime. The court or the court appointed attorney may request
 17 that the division assist in the case prior to a plea being entered and accepted by the court.

18 (c) If for any reason the mental health advocacy division is unable to represent any
 19 indigent person found not guilty by reason of insanity at the time of the crime, such
 20 representation shall be provided as otherwise provided by law."

21 **PART III**
 22 **SECTION 3-1.**

23 Said chapter is further amended by striking Article 5, relating to the office of the multicounty
 24 public defender, and inserting in lieu thereof the following:

25 **"ARTICLE 5 2**

26 ~~17-12-90~~ 17-12-30.

27 As used in this article, the term:

28 (1) 'Board' means the Georgia Indigent Defense Board.

29 ~~(1) 'Council' means the Georgia Indigent Defense Council created by Article 2 of this~~
 30 ~~chapter.~~

31 (2) 'Office' means the office of the multicounty ~~public~~ capital defender created by this
 32 article.

1 ~~17-12-91~~ 17-12-31.

2 There is created the office of the multicounty ~~public~~ capital defender to undertake the
3 defense of all indigent persons charged with a capital felony for which the death penalty
4 is being sought in any court in this state. The office shall serve all counties of this state.

5 ~~17-12-92~~ 17-12-32.

6 The office of the multicounty ~~public~~ capital defender shall be a legal entity, shall have
7 perpetual existence, may contract, may own property, may accept funds, grants, and gifts
8 from any public or private source, which funds shall be used to defray the expenses
9 incident to implementing its purposes, and may establish a principal office.

10 ~~17-12-93~~ 17-12-33.

11 ~~The Georgia Indigent Defense Council and the council's director~~ board shall be responsible
12 for management of the office. Managerial duties shall include, but not be limited to, the
13 following:

- 14 (1) Appointment of the multicounty ~~public~~ capital defender;
15 (2) Establishing the salaries of the multicounty ~~public~~ capital defender and the office's
16 staff; and
17 (3) Approving the level of staffing and establishing policy consistent with the intent of
18 this article; and
19 ~~(4) Preparing an annual budget for the office, and administering the funds made available~~
20 ~~to the office, and overseeing the expenditure of such funds.~~

21 ~~17-12-94~~ 17-12-34.

22 ~~The council and its director~~ multicounty capital defender shall prepare and submit to the
23 board an annual budget showing all anticipated expenses of the office for the following
24 fiscal year, which shall be the same as the fiscal year of this state. Such budget may be
25 submitted by the multicounty ~~public~~ capital defender. The board shall have final authority
26 over the budget and shall have authority over the expenditure of such funds as are made
27 available to the multicounty capital defender office. The budget of the multicounty capital
28 defender office shall be separate and independent from that of the office of the state public
29 defender.

30 ~~17-12-95~~ 17-12-35.

31 The multicounty ~~public~~ capital defender shall be appointed by and shall serve at the
32 pleasure of the ~~council and its director~~ board. The multicounty ~~public~~ capital defender
33 ~~must have been licensed to practice law in this state for at least five years and must be~~

1 ~~competent to counsel and defend a person charged with a capital felony. The salary of the~~
 2 ~~multicounty public defender shall be established by the council~~ be a member in good
 3 standing of the State Bar of Georgia and must have significant experience in the legal
 4 representation of persons charged with capital offenses.

5 ~~17-12-96~~ 17-12-36.

6 (a) The multicounty ~~public~~ capital defender shall employ, with the advice and consent of
 7 the ~~council and its director and in the manner~~ board and at the compensation prescribed by
 8 the ~~council~~ board, as many assistant attorneys, clerks, investigators, stenographers, and
 9 other persons as may be necessary for carrying out his or her responsibility under this
 10 article. A person employed under this Code section serves at the pleasure of the
 11 multicounty ~~public defender and the council's director~~ capital defender.

12 (b) No person may be assigned the primary responsibility of representing an indigent
 13 person accused of a capital offense for which the death penalty is sought unless such person
 14 is authorized to practice law in this state and is otherwise competent to counsel and defend
 15 a person charged with a capital felony.

16 ~~17-12-97~~ 17-12-37.

17 (a) Whenever any person accused of a capital felony for which the death penalty is being
 18 sought has been determined to be indigent, as provided in Article 1 of this chapter, the
 19 court in which such charges are pending may notify the office, and the office shall assume
 20 the defense of such person if the resources, funding, and staffing of the office allow;
 21 provided, however, that the public defender of any county shall have the option to assume
 22 sole responsibility for the defense of any such person.

23 (b) If for any reason the office is unable to defend any indigent person accused of a capital
 24 felony for which the death penalty is being sought, such defense shall be provided as
 25 otherwise provided by law.

26 (c) The office shall be responsible for the defense of any person referred to it pursuant to
 27 subsection (a) of this Code section if the resources, funding, and staffing of the office
 28 allow. Such defense shall include all proceedings in the trial court and any appeals to the
 29 Supreme Court of Georgia. The office shall not assist with any petition for a writ of habeas
 30 corpus in federal court."

31 **SECTION 3-2.**

32 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking
 33 Code Section 15-6-76.1, relating to election by clerks as to investing or depositing funds and

1 the manner of depositing funds paid into the court registry, and inserting in lieu thereof the
2 following:

3 "15-6-76.1.

4 ~~(a) In counties where the clerk of the superior court exercised discretion to invest funds~~
5 ~~pursuant to Code Section 15-6-75 or to deposit funds in one or more interest-bearing~~
6 ~~accounts pursuant to Code Section 15-6-76, and such funds were invested or on deposit on~~
7 ~~January 1, 1993, the clerk may continue to invest such funds pursuant to Code Section~~
8 ~~15-6-75 or deposit such funds pursuant to Code Section 15-6-76 until July 1, 1994. In such~~
9 ~~counties, clerks who do not elect to continue investing or depositing funds pursuant to such~~
10 ~~Code sections, or who cease depositing or investing such funds pursuant to such Code~~
11 ~~sections, shall be subject to the provisions of subsections (c) through (g) of this Code~~
12 ~~section. In such counties, clerks shall provide a written notice to the Georgia Indigent~~
13 ~~Defense Council within 30 days following July 1, 1993, stating that funds were invested~~
14 ~~or on deposit pursuant to Code Section 15-6-75 or 15-6-76 on January 1, 1993, and stating~~
15 ~~whether they have elected to continue investing or depositing funds pursuant to Code~~
16 ~~Sections 15-6-75 and 15-6-76 or to comply with the provisions of subsections (c) through~~
17 ~~(g) of this Code section. In such counties, clerks may change their election by written~~
18 ~~notice to the Georgia Indigent Defense Council.~~

19 ~~(b) In counties where no funds were invested or on deposit pursuant to Code Section~~
20 ~~15-6-75 or 15-6-76 on January 1, 1993, clerks shall be subject to the provisions of~~
21 ~~subsections (c) through (g) of this Code section, effective July 1, 1993.~~

22 ~~(c)~~(a) When funds are paid into the registry of the court, the clerk shall deposit such funds
23 in one or more interest-bearing trust accounts in investments authorized by Code Section
24 36-80-3 or by Chapter 83 of Title 36.

25 ~~(d)~~(b) When funds have been paid into the registry of the court pursuant to a court order
26 directing that such funds be deposited in an interest-bearing trust account for the benefit
27 of one or more of the parties, the interest received from such funds after service charges
28 or fees imposed by the bank or depository shall be paid to one or more of the parties as the
29 order of the court directs.

30 ~~(e) When funds have been paid into the registry of the court and the order of the court~~
31 ~~relating to such funds does not state that such funds shall be placed in an interest-bearing~~
32 ~~trust account for the benefit of one or more of the parties, the clerk shall deposit such funds~~
33 ~~in an interest-bearing trust account and the financial institution in which such funds are~~
34 ~~deposited shall remit, after service charges or fees are deducted, the interest generated by~~
35 ~~said funds directly, at least quarterly and within 30 days of receipt, to the Georgia Indigent~~
36 ~~Defense Council for distribution to the counties pursuant to Article 2 of Chapter 12 of Title~~
37 ~~17. With each remittance the financial institution shall send a statement showing the name~~

1 of the court, the rate of interest applied, the average monthly balance in the account against
 2 which the interest rate is applied, the service charges or fees of the bank or other
 3 depository, and the net remittance. This subsection shall include but not be limited to cash
 4 supersedeas bonds for criminal appeal, other supersedeas bonds, and bonds or funds paid
 5 into the court registry in actions involving interpleader, condemnation, and requests for
 6 injunctive relief. The Georgia Indigent Defense Council shall allocate all interest received
 7 from such funds deposited in interest-bearing trust accounts to the counties pursuant to
 8 Article 2 of Chapter 12 of Title 17.

9 ~~(f)~~(c) In its discretion, the court may at any time amend its order to require that the funds
 10 be deposited into an interest-bearing account for the benefit of one or more of the parties
 11 to the action, and the clerk shall comply with such amended order.

12 ~~(g)~~(d) In counties where the service charges or fees of the bank or depository would
 13 exceed the interest received from funds subject to this Code section, the clerk shall be
 14 exempt from subsections (a) through ~~(f)~~(c) of this Code section. ~~In such counties, the clerk~~
 15 ~~shall send a written notice to the Georgia Indigent Defense Council."~~

16 SECTION 3-3.

17 Said title is further amended by striking Code Section 15-7-49, relating to remittance of
 18 interest from interest-bearing trust accounts to the Georgia Indigent Defense Council, and
 19 inserting in lieu thereof the following:

20 "15-7-49.

21 ~~When funds are paid into the court registry, the clerk shall deposit such funds in~~
 22 ~~interest-bearing trust accounts and the interest from those funds shall be remitted to the~~
 23 ~~Georgia Indigent Defense Council in accordance with the provisions of subsections (c)~~
 24 ~~through (g) of Code Section 15-6-76.1. The Georgia Indigent Defense Council shall~~
 25 ~~allocate all interest received from such funds in accordance with subsection (e) of Code~~
 26 ~~Section 15-6-76.1~~ Reserved."

27 SECTION 3-4.

28 Said title is further amended by striking Code Section 15-9-18, relating to remittance of
 29 interest from cash bonds to the Georgia Indigent Defense Council, and inserting in lieu
 30 thereof the following:

31 "15-9-18.

32 ~~Whenever the sheriff transfers cash bonds to the clerk of the court, pursuant to Code~~
 33 ~~Section 15-16-27, the clerk shall deposit such funds into interest-bearing trust accounts and~~
 34 ~~the interest from those funds shall be remitted to the Georgia Indigent Defense Council in~~
 35 ~~accordance with the provisions of subsections (c) through (g) of Code Section 15-6-76.1.~~

1 ~~The Georgia Indigent Defense Council shall allocate all interest received from such funds~~
 2 ~~in accordance with subsection (e) of Code Section 15-6-76.1 Reserved.~~"

3 **SECTION 3-5.**

4 Said title is further amended by striking Code Section 15-10-240, relating to remittance of
 5 interest from funds to the Georgia Indigent Defense Council, and inserting in lieu thereof the
 6 following:

7 "15-10-240.

8 ~~When funds are paid into the court registry, the clerk shall deposit such funds in~~
 9 ~~interest-bearing trust accounts and the interest from those funds shall be remitted to the~~
 10 ~~Georgia Indigent Defense Council in accordance with the provisions of subsections (c)~~
 11 ~~through (g) of Code Section 15-6-76.1. The Georgia Indigent Defense Council shall~~
 12 ~~allocate all interest received from such funds in accordance with subsection (e) of Code~~
 13 ~~Section 15-6-76.1 Reserved.~~"

14 **SECTION 3-6.**

15 Said title is further amended by striking subsection (a) of Code Section 15-11-8, relating to
 16 expenses charged to the county and payment by parents on court order, and inserting in lieu
 17 thereof the following:

18 "(a) The following expenses shall be a charge upon the funds of the county upon
 19 certification thereof by the court:

20 (1) The cost of medical and other examinations and treatment of a child ordered by the
 21 court;

22 (2) The cost of care and support of a child committed by the court to the legal custody
 23 of an individual or a public or private agency other than the Department of Juvenile
 24 Justice, but the court may order supplemental payments, if such are necessary or
 25 desirable;

26 ~~(3) Reasonable compensation for services and related expenses of counsel appointed by~~
 27 ~~the court, where appointed by the court to represent the child and when appointed by the~~
 28 ~~court to conduct the proceedings;~~

29 ~~(4)~~(3) Reasonable compensation for a guardian ad litem;

30 ~~(5)~~(4) The expense of service of summons, notices, and subpoenas, travel expenses of
 31 witnesses, transportation, subsistence, and detention of the child, and other like expenses
 32 incurred in the proceedings under this chapter; and

33 ~~(6)~~(5) The cost of counseling and counsel and advice required or provided under the
 34 provisions of Code Sections 15-11-57 and 15-11-68."

1 programs related to drug treatment or prevention; or for financing the judicial system
2 of the state."

3 SECTION 3-9.

4 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
5 agencies, is amended by striking Code Section 35-6A-3, relating to membership on the
6 Criminal Justice Coordinating Council, and inserting in lieu thereof the following:

7 "35-6A-3.

8 (a) The Criminal Justice Coordinating Council shall consist of 24 members and shall be
9 composed as follows:

10 (1) The chairman of the Georgia Peace Officer Standards and Training Council, the
11 chairman of the Georgia Organized Crime Prevention Council, the chairman of the
12 Judicial Council of Georgia, the chairman of the Prosecuting Attorneys' Council of the
13 State of Georgia, the commissioner of corrections, the chairman of the Board of
14 Corrections, the vice-chairman of the Board of Public Safety, the chairman of the State
15 Board of Pardons and Paroles, the State School Superintendent, the commissioner of
16 community affairs, the president of the Council of Juvenile Court Judges, the director of
17 the ~~Georgia Indigent Defense Council~~ state public defender office, the chairman of the
18 Children and Youth Coordinating Council, and the commissioner of juvenile justice or
19 their designees shall be ex officio members of the council, as full voting members of the
20 council by reason of their office; and

21 (2) Ten members shall be appointed by the Governor for terms of four years, their initial
22 appointments, however, being four for four-year terms, two for three-year terms, and four
23 for two-year terms. Appointments shall be made so that there are always on the council
24 the following persons: one county sheriff, one chief of police, one mayor, one county
25 commissioner, one superior court judge, four individuals who shall be, by virtue of their
26 training or experience, knowledgeable in the operations of the criminal justice system of
27 this state, and one individual who shall be, by virtue of his or her training and experience,
28 knowledgeable in the operations of the entire spectrum of crime victim assistance
29 programs delivering services to victims of crime. No person shall serve beyond the time
30 he or she holds the office or employment by reason of which he or she was initially
31 eligible for appointment.

32 (b) In the event of death, resignation, disqualification, or removal for any reason of any
33 member of the council, vacancies shall be filled in the same manner as the original
34 appointment and successors shall serve for the unexpired term.

35 (c) The initial terms for all 19 original members shall begin July 1, 1981. The initial term
36 for the member added in 1985 shall begin July 1, 1985. The initial term for the member

1 added in 1988 shall begin July 1, 1988. The initial term for the member added in 1989
 2 shall begin July 1, 1989. The State School Superintendent shall be a member effective on
 3 July 1, 1989. The director of the ~~Georgia Indigent Defense Council~~ state public defender
 4 office shall ~~be~~ become a member ~~effective on July 1, 1997~~ on July 1, 2003.

5 (d) Membership on the council does not constitute public office, and no member shall be
 6 disqualified from holding public office by reason of his or her membership."

7 **SECTION 3-10.**

8 Code Section 36-32-1 of the Official Code of Georgia Annotated, relating to the
 9 establishment of municipal courts, punishments, and the selection, election, or appointment
 10 of the mayor pro tempore or recorder pro tempore, is amended by inserting at the end thereof
 11 new subsections (f), (g), and (h) to read as follows:

12 "(f) Any municipal court operating within this state and having jurisdiction over the
 13 violation of municipal ordinances and over such other matters as are by specific or general
 14 law made subject to the jurisdiction of municipal courts shall not impose any punishment
 15 of confinement, probation, or other loss of liberty, or impose any fine, fee, or cost
 16 enforceable by confinement, probation, or other loss of liberty, as authorized by general
 17 law or municipal or county ordinance, unless the court provides to the accused the right to
 18 representation by a lawyer, and provides to those accused who are indigent the right to
 19 counsel at no cost to the accused. Such representation shall be subject to all applicable
 20 standards adopted by the Georgia Indigent Defense Board for representation of indigent
 21 persons in this state.

22 (g) Any municipal court operating within this state that has jurisdiction over the violation
 23 of municipal or county ordinances or such other statutes as are by specific or general law
 24 made subject to the jurisdiction of municipal courts, and that holds committal hearings in
 25 regard to such alleged violations, must provide to the accused the right to representation
 26 by a lawyer, and must provide to those accused who are indigent the right to counsel at no
 27 cost to the accused. Such representation shall be subject to all applicable standards adopted
 28 by the Georgia Indigent Defense Board for representation of indigent persons in this state.

29 (h) Any municipality or municipal court may contract with the Georgia Indigent Defense
 30 Board as a means of complying with the municipality's or municipal court's legal
 31 obligation to provide defense counsel at no cost to indigent persons appearing before the
 32 court in relation to violations of municipal ordinances, county ordinances, or state laws.
 33 The circuit public defender office or other approved indigent defense system for the
 34 judicial circuit in which the municipality is located shall have the obligation to provide
 35 such counsel for any case originating in municipal court that involves a charge of violation

1 of state law and is bound over for prosecution to the state or superior court of the county
2 in which the municipality is located."

3 **PART IV**

4 **SECTION 4-1.**

5 Part I of this Act shall become effective upon its approval by the Governor or upon its
6 becoming law without such approval. The remaining Parts of this Act shall become effective
7 on March 1, 2005.

8 **SECTION 4-2.**

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