

Senate Bill 83

By: Senators Starr of the 44th, Meyer von Bremen of the 12th, Seay of the 34th and Clay of the 37th

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to
2 county law libraries, so as to change the membership of the boards of trustees of such
3 libraries; to provide that funds collected for such libraries may be used to provide a law
4 library for the district attorney of the judicial circuit, the solicitor-general of the state court,
5 or the public defender; to provide that excess funds may be used to provide legal
6 representation for indigent defendants; to provide for other matters relative to the foregoing;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law
11 libraries, is amended by striking Code Section 36-15-1, relating to boards of trustees of
12 county law libraries, in its entirety and inserting in lieu thereof the following:

13 "36-15-1.

14 There is created in each county in this state a board to be known as the board of trustees
15 of the county law library, hereafter referred to as the board. The board shall consist of the
16 chief judge of the superior court of the circuit in which the county is located, the judge of
17 the probate court, the senior judge of the state court, if any, the district attorney of the
18 circuit in which the county is located, a solicitor-general of the state court, if any, the clerk
19 of the superior court, and two practicing attorneys of the county. The practicing attorneys
20 shall be selected by the other trustees and shall serve at their pleasure. All of the trustees
21 shall serve without pay. The chief judge of the superior court shall be chairperson of the
22 board. A majority of the members of the board shall constitute a quorum for the purpose
23 of transacting all business that may come before the board."

SECTION 2.

Said chapter is further amended by inserting after subsection (b) of Code Section 36-15-7, relating to the use of law library funds, a new subsection (b.1) and by striking subsection (c) and inserting in lieu thereof the following:

"(b.1) In addition to the uses specified in subsection (a) of this Code section, the board of trustees of a county law library shall be authorized to use funds to establish a law library or libraries for the district attorney of the superior courts of the judicial circuit in which the county lies, the solicitor-general of the state court, if any, and the public defender, if any. A request for the establishment of one or more such libraries shall be made to the board of trustees by the district attorney of the judicial circuit, the solicitor-general of the state court of such county, or the public defender for the county. It shall be in the discretion of the board of trustees of each county whether to grant the request. In the case of the district attorney or a solicitor-general or public defender serving more than one county, any one or more county boards of trustees in the judicial circuit may participate in the establishment of the law library or libraries and, for the purpose of such participation, may enter into agreements regarding the proportional share of expenditures to be borne by each county board of trustees. Purchases made from county law library funds under this subsection shall not duplicate the law books and materials supplied by the state or by other sources to any solicitor-general or district attorney or any public defender as may be provided for in the future. Such purchases shall become the property of the office of the solicitor-general, district attorney, or public defender, respectively, and subject to the provisions of Chapter 6 of Title 45 and Article 6 of Chapter 16 of Title 50.

(c) In the event the board of trustees determines in its discretion that it has excess funds, such funds as may be designated by the board of trustees shall be granted to charitable tax exempt organizations which provide civil legal representation for low-income people. Any remaining excess funds shall be turned over to the county commissioners, and said funds shall be used by the county commissioners providing legal representation to indigent persons accused of crimes and for the purchase of fixtures and furnishings for the courthouse."

SECTION 3.

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