

House Bill 90 (COMMITTEE SUBSTITUTE)

By: Representatives Boggs of the 145th, Bordeaux of the 125th, and Moraitakis of the 42nd,
Post 4

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-2-8 of the Official Code of Georgia Annotated, relating to the
2 powers of the Supreme Court generally, and Code Section 35-3-33 of the Official Code of
3 Georgia Annotated, relating to the powers and duties of the Georgia Crime Information
4 Center, so as to clarify procedures for submission of each state bar applicant's fingerprints
5 for criminal convictions; to provide for related matters; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-2-8 of the Official Code of Georgia Annotated, relating to the powers of the
10 Supreme Court generally, is amended by striking the Code section and inserting in lieu
11 thereof the following:

12 "15-2-8.

13 The Supreme Court has authority:

- 14 (1) To exercise appellate jurisdiction, and in no appellate case to hear facts or examine
15 witnesses;
- 16 (2) To hear and determine all cases, civil and criminal, that may come before it; to grant
17 judgments of affirmance or reversal, or any other order, direction, or decree required
18 therein; and, if necessary, to make a final disposition of a case in the manner prescribed
19 elsewhere in this Code;
- 20 (3) To grant any writ necessary to carry out any purpose of its organization or to compel
21 any inferior tribunal or officers thereof to obey its order;
- 22 (4) To appoint its own officers and to commission any person to execute any specific
23 order it may make;
- 24 (5) To establish, amend, and alter its own rules of practice and to regulate the admission
25 of attorneys to the practice of law; ~~provided, however, that in regulating the admission~~
26 ~~of attorneys to the practice of law, the Supreme Court shall require each applicant for~~

1 ~~admission to the practice of law to be fingerprinted to determine whether the applicant~~
 2 ~~has a record of criminal convictions in this state or other states. The Georgia Crime~~
 3 ~~Information Center is for this purpose authorized to release to the court and its~~
 4 ~~administrative arms any requested records relating to applicants. The information~~
 5 ~~obtained as a result of the fingerprinting of an applicant shall be limited to the official use~~
 6 ~~of the court and its administrative arms in determining whether an applicant possesses the~~
 7 ~~fitness to be admitted to the practice of law in this state;~~

8 (6) To punish for contempt by the infliction of a fine as high as \$500.00 or imprisonment
 9 not exceeding ten days, or both; and

10 (7) To exercise such other powers, not contrary to the Constitution of this state, as given
 11 to it by law. This paragraph shall not be interpreted to abrogate the inherent power of the
 12 court."

13 **SECTION 2.**

14 Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the powers and
 15 duties of the Georgia Crime Information Center, is amended in subsection (a) by striking
 16 "and" at the end of paragraph (13), striking the period at the end of paragraph (14) and
 17 inserting in lieu thereof "; and", and adding a new paragraph at the end of the subsection to
 18 read as follows:

19 "(15) Receive and process fingerprints from the Supreme Court of Georgia Office of Bar
 20 Admissions for the purpose of determining whether or not an applicant for admission to
 21 the State Bar of Georgia has a criminal record. The processing shall include submission
 22 of fingerprints to the Georgia Bureau of Investigation and the Federal Bureau of
 23 Investigation for comparison to each of their respective files and data bases."

24 **SECTION 3.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law
 26 without such approval.

27 **SECTION 4.**

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