

Senate Bill 203

By: Senator Wiles of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated,
2 relating to public defenders, so as to authorize the recovery of attorney's fees and costs from
3 persons who receive indigent defense services; to provide for related matters; to provide an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia annotated, relating to
8 public defenders, is amended by adding a new Code section to the end of the chapter to read
9 as follows:

10 "17-12-38.

11 (a) Any person who has received indigent defense services pursuant to this article may be
12 required to reimburse the county which provided the services for attorney's fees and other
13 costs of defense, if:

14 (1) The person received services which he or she was not entitled to receive;

15 (2) The person was not financially eligible to receive such services at the time he or she
16 received the services;

17 (3) At the time of the disposition of the person's case, the person is financially able to
18 reimburse the county for such services; or

19 (4) The court otherwise determines that the person shall be required to pay for such
20 services.

21 (b) Any compensation paid to the attorney representing the person receiving indigent
22 defense services shall be prima-facie evidence of the value of such services rendered.

23 (c) The court shall consider the factors set forth in Code Section 17-14-10 in determining
24 the amount of restitution to be ordered for attorney's fees and other costs of defense. The
25 court shall also consider the amount paid to the attorney, which amount shall be a part of
26 the record. The court shall hold a hearing to determine the amount of restitution if

1 requested by the person receiving such services and shall, in the court's discretion, issue
2 an order requiring the person to reimburse the county to pay for such services."

3 **SECTION 2.**

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

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.