

Senate Bill 221

By: Senators Rogers of the 21st, Stephens of the 27th and Pearson of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal
2 defense for indigents, so as to allow alternative delivery systems to opt out from having a
3 public defender system under certain circumstances; to correct cross-references; to amend
4 Code Section 15-21-77 of the Official Code of Georgia Annotated, relating to collections to
5 be appropriated for indigent defense, to correct a cross-reference; to provide for related
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 15-21-77 of the Official Code of Georgia Annotated, relating to collections to
10 be appropriated for indigent defense, is amended by striking subsection (c) and inserting in
11 lieu thereof the following:

12 "(c) Where the Georgia Public Defender Standards Council has approved an alternative
13 delivery system as set forth in Code Section 17-12-36 or 17-12-36.1, the council shall pay
14 from funds available to the council an amount of funds equal to the amount that would
15 have been allocated to the circuit for the minimum salary of the circuit public defender, the
16 assistant circuit public defenders, the investigator, and the administrative staff, exclusive
17 of benefits, if the circuit was not operating an alternative delivery system."

18 **SECTION 2.**

19 Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense
20 for indigents, is amended by striking subsection (d) of Code Section 17-12-7, relating to
21 councilmembers of the Georgia Indigent Defense Standards Council and their
22 responsibilities, and inserting in lieu thereof the following:

23 "(d) Unless otherwise provided in this article, a quorum shall be a majority of the members
24 of the council who are then in office, and decisions of the council shall be by majority vote
25 of the members present, except that a majority of the entire council must approve the

1 appointment or removal of the chairperson or removal of a circuit public defender for cause
 2 pursuant to Code Section 17-12-20 and an alternative delivery system pursuant to Code
 3 Section 17-12-36 or 17-12-36.1 and other matters as set forth in Code Section 17-12-36."

4 SECTION 3.

5 Said chapter is further amended by adding a new Code section to follow Code Section
 6 17-12-36, relating to alternative delivery systems, to read as follows:

7 "17-12-36.1.

8 (a) Notwithstanding the provisions of Code Section 17-12-36, the council shall not have
 9 the authority to disapprove an alternative delivery system if a judicial circuit composed of
 10 a single county elects to continue in effect an alternate delivery system to the one set forth
 11 in this article if:

12 (1) The delivery system:

13 (A) Has a full-time director and staff and had been fully operational for at least two
 14 years on July 1, 2003; or

15 (B) Is administered by the county administrative office of the courts or the office of the
 16 court administrator of the superior court and had been fully operational for at least two
 17 years on July 1, 2003;

18 (2) The governing authority of the county comprising the judicial circuit enacts a
 19 resolution expressing its desire to continue its delivery system and transmits a copy of
 20 such resolution to the council not later than September 30, 2005; and

21 (3) The governing authority of the county comprising the judicial circuit enacts a
 22 resolution agreeing to fully fund its delivery system.

23 (b) A judicial circuit composed of a single county may make more than one request for
 24 approval of an alternative delivery system, provided the request is made on or before
 25 September 30, 2005.

26 (c) The council shall make a final determination not later than December 31, 2005 of
 27 whether an alternative delivery system meets the criteria set forth in subsection (a) of this
 28 Code section and shall therefore be able to continue its alternative delivery system.

29 (d) Nothing contained in this Code section shall prevent a governing authority of the
 30 county comprising the single county judicial circuit from enacting a future resolution which
 31 discontinues the alternative delivery system and thereafter being governed by the
 32 provisions of this article other than this Code section."

33 SECTION 4.

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

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SECTION 5.

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