

The House Committee on Judiciary Non-civil offers the following substitute to HR 515:

A RESOLUTION

1 Creating the House Study Committee on the Restructuring of Georgia's Criminal Penalties;  
2 and for other purposes.

3 WHEREAS, the Constitution of the United States guarantees the right to legal representation  
4 for any person charged with a crime; and

5 WHEREAS, the right to counsel guaranteed by the Constitution has been shaped and defined  
6 by decisions of the Supreme Court of the United States; and

7 WHEREAS, the Supreme Court of the United States has ruled that states must secure the  
8 right to counsel for those individuals who cannot afford to provide counsel for themselves  
9 by providing counsel for them paid for out of the coffers of the state; and

10 WHEREAS, the Supreme Court of the United States has also ruled that the right to counsel  
11 is guaranteed to any person charged with a crime that carries with it the threat of  
12 incarceration; and

13 WHEREAS, the state must provide counsel for any persons charged with a crime which  
14 carries the threat of incarceration who cannot afford to pay their own counsel; and

15 WHEREAS, in the State of Georgia, the financial burden of providing counsel for those  
16 unable to provide it for themselves is shared by the state with local governments; and

17 WHEREAS, in order to reduce the financial burden, there is a need to consider ways to  
18 reduce demand for indigent defense services; and

19 WHEREAS, the demand for the resources is directly proportionate to the number of offenses  
20 which carry the threat of incarceration.

1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
2 there is created the House Study Committee on the Restructuring of Georgia's Criminal  
3 Penalties. The committee shall consist of the following members: nine members appointed  
4 by the Speaker of the House; the director of the Georgia Public Defender Standards Council  
5 or his or her designee; the executive director of the Prosecuting Attorneys' Council of the  
6 State of Georgia or his or her designee; the executive director of the Association County  
7 Commissioners of Georgia or his or her designee; the executive director of the Georgia  
8 Municipal Association or his or her designee; the legislative chairperson of the Georgia  
9 Association of Criminal Defense Lawyers or his or her designee; the chairperson of The  
10 Council of Superior Court Judges of Georgia or his or her designee; and the chairperson of  
11 the Georgia Alliance of African American Attorneys or his or her designee. The committee  
12 shall examine the laws specifying criminal offenses and the punishments therefor and shall  
13 seek ways to more efficiently and effectively apply the option of incarceration. The goal of  
14 the committee is to find ways to balance the use of the threat of incarceration so as to  
15 maintain sufficient deterrence from that threat without implicating the right to counsel for  
16 so many offenders as to drain the resources of the state and counties in their efforts to  
17 administer justice.

18 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
19 needs, issues, and problems mentioned above or related thereto and recommend any action  
20 or legislation the committee deems necessary or appropriate. The committee may conduct  
21 such meetings at such places and at such times as it may deem necessary or convenient to  
22 enable it to exercise fully and effectively its powers, perform its duties, and accomplish the  
23 objectives and purposes of this resolution. The legislative members of the committee shall  
24 receive the allowance provided for in Code Section 28-1-8 of the Official Code of Georgia  
25 Annotated. Citizen members shall receive a daily expense allowance in the amount specified  
26 in subsection (b) of Code Section 45-7-21 of the Official Code of Georgia Annotated as well  
27 as the mileage or transportation allowance authorized for state employees. Any member who  
28 is a public official or employee other than a member of the General Assembly shall not  
29 receive a daily expense allowance but may be reimbursed for actual expenses by his or her  
30 public employer. All funds necessary to carry out the provisions of this resolution shall come  
31 from funds appropriated to the House of Representatives. The expenses and allowances  
32 authorized by this resolution shall not be received by any member of the committee for more  
33 than five days unless additional days are authorized. In the event the committee makes report  
34 of its findings and recommendations, with suggestions for proposed legislation, if any, such  
35 report shall be made on or before December 1, 2006. The committee shall stand abolished  
36 on December 1, 2006.