

Senate Resolution 1048

By: Senators Hamrick of the 30th and Smith of the 52nd

A RESOLUTION

1 Ratifying the initial minimum standard promulgated by the Georgia Public Defender
2 Standards Council, hereinafter referred to as the "Standards Council," entitled "Standards for
3 Determining Indigence," hereinafter referred to as the "Indigence Standard"; to provide for
4 an effective date; and for other purposes.

5 WHEREAS, Code Section 17-12-8 of the O.C.G.A. provides that the initial minimum
6 standards promulgated by the Standards Council which are determined by the General
7 Oversight Committee for the Georgia Public Defender Standards Council, hereinafter
8 referred to as the "Legislative Oversight Committee," to have a fiscal impact shall be
9 submitted by the Standards Council to the General Assembly and shall become effective only
10 when ratified by joint resolution of the General Assembly and upon the approval of the
11 resolution by the Governor or upon its becoming law without such approval; and

12 WHEREAS, the Standards Council adopted the Indigence Standard in principle on
13 November 21, 2003, and ratified the standard on August 27, 2004; and

14 WHEREAS, the Standards Council added a second paragraph of commentary on the
15 Indigence Standard on January 28, 2005; and

16 WHEREAS, the Standards Council revised its Indigence Standard on February 3, 2006; and

17 WHEREAS, the Legislative Oversight Committee at its meetings on March 23, 2005, and
18 February 28, 2006, reviewed and determined that the Indigence Standard has a fiscal impact;
19 and

20 WHEREAS, a copy of the original document containing the Indigence Standard is attached
21 to and made a part of this resolution; and

1 WHEREAS, the original documents containing the Indigence Standard are signed by the
2 chairperson of the Standards Council and are on file in the official records maintained by the
3 Standards Council; and

4 WHEREAS, the request for legislative ratification of the Indigence Standard has been
5 submitted to the General Assembly in accordance with subsection (c) of Code Section
6 17-12-8 of the O.C.G.A. and it is the desire of the General Assembly to ratify and approve
7 such standard.

8 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
9 GEORGIA that the General Assembly hereby ratifies and approves the Indigence Standard
10 adopted by the Standards Council and approved by the Legislative Oversight Committee on
11 March 23, 2005 and February 28, 2006. A copy of the Indigence Standard has been
12 presented to the Legislative Oversight Committee and is attached to this resolution, and the
13 original document is on file in the official records maintained by the Standards Council.

14 BE IT FURTHER RESOLVED that this resolution shall become effective upon its approval
15 by the Governor or upon its becoming law without the Governor's approval.