

Senate Resolution 246

By: Senators Wiles of the 37th, Smith of the 52nd, Johnson of the 1st and Williams of the 19th

A RESOLUTION

- 1 Creating the Joint Study Committee on Indigent Defense; and for other purposes.
- 2 WHEREAS, the representation of those indigent persons charged with crimes in this state
3 is important to ensure that such individuals are treated fairly and are afforded all of the rights
4 guaranteed to them by the United States and Georgia Constitutions; and
- 5 WHEREAS, the provision of indigent defense services is an issue which the General
6 Assembly has addressed on numerous occasions in the past and has attempted several
7 different delivery methods with varying degrees of success; and
- 8 WHEREAS, most recently, the General Assembly created the Georgia Public Defender
9 Standards Council and established state funded, circuit-wide public defenders for the state
10 with the intent that such programs would provide an efficient, appropriate, and cost-effective
11 service delivery model for indigent defense services; and
- 12 WHEREAS, in the short time that this program has been in existence, it is already
13 experiencing significant budgetary shortfalls, placing the entire program in peril; and
- 14 WHEREAS, significant reforms are needed to ensure the economic viability of indigent
15 defense services in this state to meet the obligations of the state in this area; and
- 16 WHEREAS, the General Assembly needs to study these issues to determine the causes for
17 the budgetary shortfalls in the present service delivery model and whether the present model
18 is best for the state or whether a more efficient system can be devised to more economically
19 protect the rights of indigents charged with crimes in this state.
- 20 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
21 GEORGIA that there is created the Joint Study Committee on Indigent Defense to be
22 composed of 15 members. Six members shall be appointed by the Lieutenant Governor.

1 Four members appointed by the Lieutenant Governor shall be members of the Senate. The
2 Lieutenant Governor shall designate one of the members of the Senate to serve as
3 cochairperson of the committee. One member appointed by the Lieutenant Governor shall
4 be an attorney in this state with significant experience in criminal defense matters and one
5 member shall be a county commission chairperson in this state. Six members shall be
6 appointed by the Speaker of the House of Representatives, five of whom shall be members
7 of the House of Representatives. The Speaker shall designate one of the members from the
8 House of Representatives to serve as cochairperson of the committee. One member
9 appointed by the Speaker shall be an attorney in this state with significant experience in
10 criminal defense matters. One member shall be a district attorney appointed by the
11 Prosecuting Attorneys' Council of the State of Georgia. Two members shall be superior
12 court judges appointed by The Council of Superior Court Judges. The cochairpersons shall
13 call all meetings of the committee.

14 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
15 needs, issues, and problems mentioned above or related thereto and recommend any actions
16 or legislation that the committee deems necessary or appropriate. The committee may
17 conduct such meetings at such places and at such times as it may deem necessary or
18 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
19 accomplish the objectives and purposes of this resolution. The legislative members of the
20 committee shall receive the allowances authorized for legislative members of interim
21 legislative committees but shall receive the same for not more than five days unless
22 additional days are authorized. The attorneys, the county commission chairperson, the
23 district attorneys, and the superior court judges shall not receive any compensation for their
24 service on the committee but shall be reimbursed for their actual expenses incurred in serving
25 on the committee. The funds necessary to carry out the provisions of this resolution shall
26 come from the funds appropriated to the House of Representatives and the Senate. In the
27 event that the committee makes a report of its findings and recommendations with
28 suggestions for proposed legislation, if any, such report shall be made on or before
29 December 31, 2007. The committee shall stand abolished on December 31, 2007.