

Senate Bill 141

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated,
2 relating to the Georgia Public Defender Standards Council, so as to change the composition
3 of the council; to provide for appointment, qualifications, and terms for new members; to
4 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 style="text-align:center">**SECTION 1.**

8 Article 1 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to the
9 Georgia Public Defender Standards Council, is amended by revising Code Section 17-12-3,
10 relating to creation and membership of the Georgia Public Defender Standards Council, as
11 follows:

12 "17-12-3.

13 (a) There is created the Georgia Public Defender Standards Council to be composed of ~~11~~
14 15 members.

15 (b) Ten members of the council shall be appointed as follows:

16 (1) Two members shall be appointed by the Governor, the Lieutenant Governor, the
17 Speaker of the House of Representatives, the Chief Justice of the Supreme Court of
18 Georgia, and the Chief Judge of the Georgia Court of Appeals as further set forth in
19 paragraph (2) of this subsection. Except as provided in paragraph (3.1), the ~~The~~ members
20 of the council shall be individuals with significant experience working in the criminal
21 justice system or who have demonstrated a strong commitment to the provision of
22 adequate and effective representation of indigent defendants. The members shall serve
23 terms of four years; provided, however, that the members appointed from the
24 even-numbered judicial administration circuits shall serve initial terms of six years and
25 thereafter shall serve terms of four years;

1 (2) The members appointed pursuant to paragraph (1) of this subsection shall be chosen
2 so that each of the ten judicial administration districts in the state is represented and so
3 that each appointing authority shall rotate the particular judicial administration district
4 for which he or she is responsible for appointing. The appointments shall be as follows:

5 (A) For the initial appointments:

6 (i) The Governor shall appoint one person who resides in judicial administration
7 district 1 and one person who resides in judicial administration district 2;

8 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
9 administration district 3 and one person who resides in judicial administration district
10 4;

11 (iii) The Speaker of the House of Representatives shall appoint one person who
12 resides in judicial administration district 5 and one person who resides in judicial
13 administration district 6;

14 (iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who
15 resides in judicial administration district 7 and one person who resides in judicial
16 administration district 8; and

17 (v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who
18 resides in judicial administration district 9 and one person who resides in judicial
19 administration district 10;

20 (B) For the first subsequent council appointments:

21 (i) The Governor shall appoint one person who resides in judicial administration
22 district 3 and one person who resides in judicial administration district 4;

23 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
24 administration district 5 and one person who resides in judicial administration district
25 6;

26 (iii) The Speaker of the House of Representatives shall appoint one person who
27 resides in judicial administration district 7 and one person who resides in judicial
28 administration district 8;

29 (iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who
30 resides in judicial administration district 9 and one person who resides in judicial
31 administration district 10; and

32 (v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who
33 resides in judicial administration district 1 and one person who resides in judicial
34 administration district 2;

35 (C) For the second subsequent council appointments:

36 (i) The Governor shall appoint one person who resides in judicial administration
37 district 5 and one person who resides in judicial administration district 6;

1 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
2 administration district 7 and one person who resides in judicial administration district
3 8;

4 (iii) The Speaker of the House of Representatives shall appoint one person who
5 resides in judicial administration district 9 and one person who resides in judicial
6 administration district 10;

7 (iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who
8 resides in judicial administration district 1 and one person who resides in judicial
9 administration district 2; and

10 (v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who
11 resides in judicial administration district 3 and one person who resides in judicial
12 administration district 4;

13 (D) For the third subsequent council appointments:

14 (i) The Governor shall appoint one person who resides in judicial administration
15 district 7 and one person who resides in judicial administration district 8;

16 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
17 administration district 9 and one person who resides in judicial administration district
18 10;

19 (iii) The Speaker of the House of Representatives shall appoint one person who
20 resides in judicial administration district 1 and one person who resides in judicial
21 administration district 2;

22 (iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who
23 resides in judicial administration district 3 and one person who resides in judicial
24 administration district 4; and

25 (v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who
26 resides in judicial administration district 5 and one person who resides in judicial
27 administration district 6; and

28 (E) For the fourth subsequent council appointments:

29 (i) The Governor shall appoint one person who resides in judicial administration
30 district 9 and one person who resides in judicial administration district 10;

31 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
32 administration district 1 and one person who resides in judicial administration district
33 2;

34 (iii) The Speaker of the House of Representatives shall appoint one person who
35 resides in judicial administration district 3 and one person who resides in judicial
36 administration district 4;

1 (iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who
 2 resides in judicial administration district 5 and one person who resides in judicial
 3 administration district 6; and

4 (v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who
 5 resides in judicial administration district 7 and one person who resides in judicial
 6 administration district 8.

7 All subsequent appointments shall continue on, with the entire cycle starting over again
 8 as specified in subparagraph (A) of this paragraph;

9 (3) ~~The In addition, the~~ eleventh member shall be one circuit public defender who shall
 10 serve on the council. After the initial appointments as set forth in paragraph (4) of this
 11 subsection, the circuit public defender to serve on the council shall be elected by a
 12 majority vote of all the circuit public defenders. The circuit public defender
 13 councilmember shall serve terms of two years;

14 (3.1) Four members of the council shall be county commissioners who have been elected
 15 and are serving as members of the governing authority of a county of this state. The
 16 county commissioner councilmembers shall be appointed by the Governor on or before
 17 July 1, 2007, and shall be reflective of the diversity of this state. The Governor may
 18 solicit recommendations for such appointees from the Association County
 19 Commissioners of Georgia. Each county commissioner councilmember shall serve terms
 20 of four years; provided, however, that the initial appointments shall be for one, two,
 21 three, and four years, respectively, as designated by the Governor for each appointment,
 22 and thereafter such members shall serve terms of four years.

23 (4) Except as provided in paragraph (3.1) of this subsection, all ~~At~~ initial appointments
 24 shall be made to become members of the council on July 1, 2003, and their successors
 25 shall become members of the council on July 1 following their appointment. The initial
 26 appointees from the even-numbered judicial administration circuits shall serve until June
 27 30, 2009. Notwithstanding the provisions of paragraph (3) of this subsection, the initial
 28 member representing the circuit public defenders shall be made by the Supreme Court of
 29 Georgia. The person representing the circuit defender position on the initial council shall
 30 be engaged on a full-time basis in the provision of criminal defense to the indigent;

31 (5) Any vacancy for a member appointed pursuant to paragraphs (1), ~~and (2), and (3.1)~~
 32 of this subsection shall be filled by the appointing authority, and such appointee shall
 33 serve the balance of the vacating member's unexpired term; and

34 (6) Any vacancy for a member appointed pursuant to paragraph (3) of this subsection
 35 shall be the successor to the circuit public defender as set forth in subsection (d) of Code
 36 Section 17-12-20.

- 1 (c) In making ~~these~~ the appointments for ten members of the council as provided in
2 paragraph (2) of subsection (b) of this Code section, the appointing authorities shall seek
3 to identify and appoint persons who represent a diversity of backgrounds and experience
4 and shall solicit suggestions from the State Bar of Georgia, state and local bar associations,
5 the Georgia Association of Criminal Defense Lawyers, the councils representing the
6 various categories of state court judges in Georgia, and the Prosecuting Attorneys' Council
7 of the State of Georgia, as well as from the public and other interested organizations and
8 individuals within the state. The appointing authorities shall not appoint a prosecuting
9 attorney as defined in paragraph (6) of Code Section 19-13-51, any employee of a
10 prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of the
11 State of Georgia to serve on the council.
- 12 (d) This Code section shall become effective on July 1, 2003, for purposes of making the
13 initial appointments to the council."

14 **SECTION 2.**

15 This Act shall become effective on July 1, 2007; provided, however, that for purposes of the
16 appointment of the councilmembers, this Act shall become effective upon approval of this
17 Act by the Governor or upon its becoming law without such approval.

18 **SECTION 3.**

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