

The House Committee on Judiciary offers the following substitute to SR 246:

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

1 composed of 16 members. Six members shall be appointed by the Lieutenant Governor.
2 Four members appointed by the Lieutenant Governor shall be members of the Senate. The
3 Lieutenant Governor shall designate one of the members of the Senate to serve as
4 cochairperson of the committee. One member appointed by the Lieutenant Governor shall
5 be an attorney in this state with significant experience in criminal defense matters and one
6 member shall be a county commission chairperson in this state. Six members shall be
7 appointed by the Speaker of the House of Representatives, four of whom shall be members
8 of the House of Representatives. The Speaker shall designate one of the members from the
9 House of Representatives to serve as cochairperson of the committee. One member
10 appointed by the Speaker shall be an attorney in this state with significant experience in
11 criminal defense matters and one shall be a county commission chairperson in this state. One
12 member shall be a district attorney appointed by the Prosecuting Attorneys' Council of the
13 State of Georgia. Two members shall be superior court judges appointed by the executive
14 committee of The Council of Superior Court Judges. One member shall be the chairperson
15 the Georgia Public Defender Standards Council. The cochairpersons shall call all meetings
16 of the committee.

17 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
18 needs, issues, and problems mentioned above or related thereto and recommend any actions
19 or legislation that the committee deems necessary or appropriate. The committee may
20 conduct such meetings at such places and at such times as it may deem necessary or
21 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
22 accomplish the objectives and purposes of this resolution. The legislative members of the
23 committee shall receive the allowances authorized for legislative members of interim
24 legislative committees but shall receive the same for not more than five days unless
25 additional days are authorized. The attorneys, the county commission chairperson, the
26 district attorneys, and the superior court judges shall not receive any compensation for their
27 service on the committee but shall be reimbursed for their actual expenses incurred in serving
28 on the committee. The funds necessary to carry out the provisions of this resolution shall
29 come from the funds appropriated to the House of Representatives and the Senate. In the
30 event that the committee makes a report of its findings and recommendations with
31 suggestions for proposed legislation, if any, such report shall be made on or before the
32 convening of the 2008 session of the General Assembly, at which time the committee shall
33 stand abolished.