

House Bill 1251

By: Representatives Fleming of the 117th, Shaw of the 176th, and Martin of the 47th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 15 and Code Section 17-12-127 of the Official Code of Georgia
2 Annotated, relating to the general provisions of courts and representation and appointment
3 of alternative attorneys in capital cases, respectively, so as to change matters relating to cases
4 in which the death penalty is sought; to change certain provisions relating to requesting
5 judicial assistance from other courts; to change certain provisions relating to senior judge
6 status and requesting assistance of senior judges; to change certain provisions relating to
7 senior judges of the state court, probate court, or juvenile court and requesting assistance of
8 a senior judge; to change matters relating to the appointment of counsel in death penalty
9 cases; to change matters relating to payment of attorney's fees and expenses in capital cases
10 in which the death penalty is sought; to provide for related matters; to provide an effective
11 date and applicability; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to the general
15 provisions of courts, is amended by adding a new subsection to Code Section 15-1-9.1,
16 relating to requesting judicial assistance from other courts, to read as follows:

17 "(n) Notwithstanding the provisions of this Code section, a senior judge shall not be
18 assigned, designated, or preside in any criminal case involving a capital offense for which
19 the death penalty may be imposed."

20 style="text-align:center">**SECTION 2.**

21 Said chapter is further amended by adding a new subsection to Code Section 15-1-9.2,
22 relating to senior judge status and requesting assistance of senior judges, to read as follows:

23 "(e) Notwithstanding the provisions of this Code section, a senior judge shall not be
24 assigned, designated, or preside in any criminal case involving a capital offense for which
25 the death penalty may be imposed."

1 represent the defendant; provided, however, that such attorney shall be paid by the county
2 governing authority with county funds at a rate established by the council."

3 **SECTION 5.**

4 This Act shall become effective on July 1, 2008, and shall apply to all cases filed and all
5 costs and fees incurred for counsel appointed on or after July 1, 2008.

6 **SECTION 6.**

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