

Senate Bill 42

By: Senators Smith of the 52nd, Wiles of the 37th, Hill of the 4th, Hamrick of the 30th and Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, the "Georgia
2 Indigent Defense Act of 2003," so as to extensively revise said Act; to reconstitute the
3 Georgia Public Standards Council with new membership; to change the powers and duties
4 of the council and provide that it shall be an advisory body; to provide for the Georgia Public
5 Standards Agency as an agency of the state; to provide for its director and the powers and
6 duties and operations of the agency and the director; to provide that the director shall have
7 the control and management of the agency and shall exercise supervision with respect to
8 circuit public defenders and carry out other duties formerly vested in the council; to provide
9 for other related matters; to provide for effective dates; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 12 of Title 17 of the Official Code of Georgia Annotated, the 'Georgia Indigent
14 Defense Act of 2003,' is amended by revising Code Sections 17-12-1 through 17-12-10.1,
15 which Code sections relate to the Georgia Public Standards Council and its director and
16 operations, as follows:

17 "7-12-1.

18 (a) This chapter shall be known and may be cited as the 'Georgia Indigent Defense Act of
19 2003.'

20 (b) The Georgia Public Defender Standards Council shall be an ~~independent agency~~
21 advisory body within the executive branch of state government.

22 (c) The Georgia Public Defender Agency shall be an independent agency within the
23 executive branch of state government. The ~~council~~ agency shall be responsible for assuring
24 that adequate and effective legal representation is provided, independently of political

25 considerations or private interests, to indigent persons who are entitled to representation
26 under this chapter.

27 17-12-2.

28 As used in this chapter, the term:

29 (0.5) 'Agency' means the Georgia Public Defender Agency under the direction of the
30 director.

31 (1) 'Assistant public defender' means an attorney who is employed by any circuit public
32 defender.

33 (2) 'Circuit public defender' means the head of a public defender office providing
34 indigent defense representation within any given judicial circuit of this state.

35 (3) 'Circuit public defender office' means the office of any of the several circuit public
36 defenders.

37 (4) 'Council' means the Georgia Public Defender Standards Council.

38 (5) 'Director' means the director of the Georgia Public Defender Agency Standards
39 Council.

40 (6) 'Indigent person' or 'indigent defendant' means:

41 (A) A person charged with a misdemeanor, violation of probation, or a municipal or
42 county offense punishable by imprisonment who earns less than 100 percent of the
43 federal poverty guidelines unless there is evidence that the person has other resources
44 that might reasonably be used to employ a lawyer without undue hardship on the person
45 or his or her dependents;

46 (B) A juvenile charged with a delinquent act or a violation of probation punishable by
47 detention whose parents earn less than 125 percent of the federal poverty guidelines
48 unless there is evidence that the juvenile or his or her parents have other resources that
49 might reasonably be used to employ a lawyer without undue hardship on the juvenile,
50 his or her parents, or the parent's dependents; and

51 (C) A person charged with a felony who earns or, in the case of a juvenile, whose
52 parents earn, less than 150 percent of the federal poverty guidelines unless there is
53 evidence that the person has other resources that might reasonably be used to employ
54 a lawyer without undue hardship on the person, his or her dependents, or, in the case
55 of a juvenile, his or her parents or the parent's dependents.

56 In no case shall a person whose maximum income level exceeds 150 percent of the
57 federal poverty level or, in the case of a juvenile, whose household income exceeds 150
58 percent of the federal poverty level be an indigent person or indigent defendant.

59 (7) 'Legislative oversight committee' means the Legislative Oversight Committee for the
60 Georgia Public Defender ~~Standards Council~~ Agency.

61 (8) 'Public defender' means an attorney who is employed in a circuit public defender
62 office or who represents an indigent person pursuant to this chapter.

63 17-12-3.

64 (a) There is created the Georgia Public Defender Standards Council to be composed of 15
65 members.

66 (b) Effective July 1, 2009, the council shall be reconstituted as a new advisory body with
67 new members appointed in 2009. The members serving on the council immediately prior
68 to July 1, 2009, shall cease to serve on that date, but such prior members shall be eligible
69 for reappointment in 2009 to succeed themselves or to fill another position on the council.

70 Ten members of the council shall be appointed as follows:

71 (1) Two members shall be appointed by the Governor; and four members shall be
72 appointed by the Lieutenant Governor; and the Speaker of the House of Representatives;
73 ~~the Chief Justice of the Supreme Court of Georgia, and the Chief Judge of the Georgia~~
74 ~~Court of Appeals~~ as further set forth in paragraph (2) of this subsection. Except as
75 provided in paragraph (3.1) of this subsection, the members of the council shall be
76 individuals with significant experience working in the criminal justice system or who
77 have demonstrated a strong commitment to the provision of adequate and effective
78 representation of indigent defendants. The members shall serve terms of four years;
79 ~~provided, however, that the members appointed from the even-numbered judicial~~
80 ~~administration circuits shall serve initial terms of six years and thereafter shall serve~~
81 ~~terms of four years;~~

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

86 (A) For the initial appointments in 2009:

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

89 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
90 administration district 3 ~~and~~, one person who resides in judicial administration district
91 4, one person who resides in judicial administration district 7, and one person who
92 resides in judicial administration district 8; and

93 (iii) The Speaker of the House of Representatives shall appoint one person who
94 resides in judicial administration district 5, ~~and~~ one person who resides in judicial
95 administration district 6; one person who resides in judicial administration district 9,
96 and one person who resides in judicial administration district 10;

97 ~~(iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who~~
 98 ~~resides in judicial administration district 7 and one person who resides in judicial~~
 99 ~~administration district 8, except that on and after July 1, 2008, the Lieutenant~~
 100 ~~Governor shall make such appointments; and~~

101 ~~(v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who~~
 102 ~~resides in judicial administration district 9 and one person who resides in judicial~~
 103 ~~administration district 10, except that on and after July 1, 2008, the Speaker of the~~
 104 ~~House of Representatives shall make such appointments;~~

105 (B) For the first subsequent council appointments:

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

108 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
 109 administration district 5, ~~and one person who resides in judicial administration district~~
 110 ~~6, one person who resides in judicial administration district 9, and one person who~~
 111 ~~resides in judicial administration district 10; and~~

112 (iii) The Speaker of the House of Representatives shall appoint one person who
 113 resides in judicial administration district 1, one person who resides in judicial
 114 administration district 2, one person who resides in judicial administration district 7,
 115 and one person who resides in judicial administration district 8;

116 ~~(iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who~~
 117 ~~resides in judicial administration district 9 and one person who resides in judicial~~
 118 ~~administration district 10, except that on and after July 1, 2008, the Lieutenant~~
 119 ~~Governor shall make such appointments; and~~

120 ~~(v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who~~
 121 ~~resides in judicial administration district 1 and one person who resides in judicial~~
 122 ~~administration district 2, except that on and after July 1, 2008, the Speaker of the~~
 123 ~~House of Representatives shall make such appointments;~~

124 (C) For the second subsequent council appointments:

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

127 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
 128 administration district 1, one person who resides in judicial administration district 2,
 129 one person who resides in judicial administration district 7, and one person who
 130 resides in judicial administration district 8; and

131 (iii) The Speaker of the House of Representatives shall appoint one person who
 132 resides in judicial administration district 3, one person who resides in judicial

133 administration district 4, one person who resides in judicial administration district 9,
 134 and one person who resides in judicial administration district 10;

135 ~~(iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who~~
 136 ~~resides in judicial administration district 1 and one person who resides in judicial~~
 137 ~~administration district 2, except that on and after July 1, 2008, the Lieutenant~~
 138 ~~Governor shall make such appointments; and~~

139 ~~(v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who~~
 140 ~~resides in judicial administration district 3 and one person who resides in judicial~~
 141 ~~administration district 4, except that on and after July 1, 2008, the Speaker of the~~
 142 ~~House of Representatives shall make such appointments;~~

143 (D) For the third subsequent council appointments:

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

146 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
 147 administration district 3, one person who resides in judicial administration district 4,
 148 one person who resides in judicial administration district 9, and one person who
 149 resides in judicial administration district 10;

150 (iii) The Speaker of the House of Representatives shall appoint one person who
 151 resides in judicial administration district 1, ~~and one person who resides in judicial~~
 152 ~~administration district 2;~~ one person who resides in judicial administration district 5,
 153 and one person who resides in judicial administration district 6.

154 ~~(iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who~~
 155 ~~resides in judicial administration district 3 and one person who resides in judicial~~
 156 ~~administration district 4, except that on and after July 1, 2008, the Lieutenant~~
 157 ~~Governor shall make such appointments; and~~

158 ~~(v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who~~
 159 ~~resides in judicial administration district 5 and one person who resides in judicial~~
 160 ~~administration district 6, except that on and after July 1, 2008, the Speaker of the~~
 161 ~~House of Representatives shall make such appointments; and~~

162 (E) For the fourth subsequent council appointments:

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

165 (ii) The Lieutenant Governor shall appoint one person who resides in judicial
 166 administration district 1 ~~and~~, one person who resides in judicial administration district
 167 2, one person who resides in judicial administration district 5, and one person who
 168 resides in judicial administration district 6;

169 (iii) The Speaker of the House of Representatives shall appoint one person who
 170 resides in judicial administration district 3 ~~and~~, one person who resides in judicial
 171 administration district 4; one person who resides in judicial administration district 7,
 172 and one person who resides in judicial administration district 8.

173 ~~(iv) The Chief Justice of the Supreme Court of Georgia shall appoint one person who~~
 174 ~~resides in judicial administration district 5 and one person who resides in judicial~~
 175 ~~administration district 6, except that on and after July 1, 2008, the Lieutenant~~
 176 ~~Governor shall make such appointments; and~~

177 ~~(v) The Chief Judge of the Georgia Court of Appeals shall appoint one person who~~
 178 ~~resides in judicial administration district 7 and one person who resides in judicial~~
 179 ~~administration district 8, except that on and after July 1, 2008, the Speaker of the~~
 180 ~~House of Representatives shall make such appointments.~~

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

183 (3) The eleventh member shall be one circuit public defender who shall serve on the
 184 council. After the initial appointments as set forth in paragraph (4) of this subsection, the
 185 circuit public defender to serve on the council shall be elected by a majority vote of all
 186 the circuit public defenders. The circuit public defender councilmember shall serve terms
 187 of two years;

188 (3.1) Four members of the council shall be county commissioners who have been elected
 189 and are serving as members of a county governing authority in this state. The county
 190 commissioner councilmembers shall be appointed by the Governor on or before July 1,
 191 ~~2008~~ 2009, and shall be from different geographic regions of this state. The Governor
 192 may solicit recommendations for such appointees from the Association County
 193 Commissioners of Georgia. Each county commissioner councilmember shall serve terms
 194 of four years; provided, however, that the initial appointments shall be for one, two, three,
 195 and four years, respectively, as designated by the Governor for each appointment, and
 196 thereafter, such members shall serve terms of four years. A county commission
 197 councilmember shall be eligible to serve so long as he or she retains the office by virtue
 198 of which he or she is serving on the council;

199 (4) Except as provided in paragraph (3.1) of this subsection, all initial appointments shall
 200 be made to become members of the council on July 1, ~~2003~~ 2009, and their successors
 201 shall become members of the council on July 1 following their appointment. ~~The initial~~
 202 ~~appointees from the even-numbered judicial administration circuits shall serve until June~~
 203 ~~30, 2009. Notwithstanding the provisions of paragraph (3) of this subsection, the initial~~
 204 ~~member representing the circuit public defenders shall be made by the Supreme Court of~~

205 ~~Georgia~~. The person representing the circuit defender position on the initial council shall
206 be engaged on a full-time basis in the provision of criminal defense to the indigent;

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

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

213 (c) In making the appointments for ten members of the council as provided in
214 paragraph (2) of subsection (b) of this Code section, the appointing authorities shall seek
215 to identify and appoint persons who represent a diversity of backgrounds and experience
216 and shall solicit suggestions from the State Bar of Georgia, state and local bar associations,
217 the Georgia Association of Criminal Defense Lawyers, the councils representing the
218 various categories of state court judges in Georgia, and the Prosecuting Attorneys' Council
219 of the State of Georgia, as well as from the public and other interested organizations and
220 individuals within this state. The appointing authorities shall not appoint a prosecuting
221 attorney as defined in paragraph (6) of Code Section 19-13-51, any employee of a
222 prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of the
223 State of Georgia to serve on the council.

224 ~~(d) This Code section shall become effective on July 1, 2003, for purposes of making the~~
225 ~~initial appointments to the council.~~

226 17-12-4.

227 (a) The ~~council~~ agency:

228 (1) Shall be a legal entity;

229 (2) Shall have perpetual existence;

230 (3) May contract;

231 (4) May own property;

232 (5) May accept funds, grants, and gifts from any public or private source, which shall be
233 used to defray the expenses incident to implementing its purposes;

234 (6) May adopt and use an official seal;

235 (7) May establish a principal office;

236 (8) May hire such administrative and clerical personnel as may be necessary and
237 appropriate to fulfill its purposes; and

238 (9) Shall have such other powers, privileges, and duties as may be reasonable and
239 necessary for the proper fulfillment of its purposes.

240 (b) The ~~council~~ director shall establish auditing procedures as may be required in
 241 connection with the handling of public funds. The state auditor shall be authorized and
 242 directed to make an annual audit of the transactions of the ~~council~~ agency and to make a
 243 complete report of the same to the General Assembly. The annual audit shall disclose all
 244 moneys received by the ~~council~~ agency and all expenditures made by the ~~council~~ agency
 245 by revenue source, including all programs and special projects itemized in the General
 246 Appropriations Act. The annual audit shall include an itemization by revenue source of
 247 encumbered and reserved money. Revenue sources shall include each county governing
 248 authority's expenditures which are made pursuant to Code Sections 17-12-31 and 17-12-32
 249 and city or county expenditures which are made pursuant to subsection (d) of Code Section
 250 17-12-23. The state auditor shall also make an audit of the affairs of the ~~council~~ agency
 251 at any time when requested to do so by ~~a majority of the council~~ the director or by the
 252 Governor or General Assembly.

253 (c) The ~~council~~ agency may not provide compensation from its funds to any administrative
 254 or clerical personnel employed by the ~~council~~ agency if the personnel are then receiving
 255 retirement compensation from any retirement or pension fund created by Title 47 to
 256 provide compensation for past services as a judicial officer, prosecuting attorney, indigent
 257 defense attorney, court officer, or law enforcement officer except for county or municipal
 258 retirement funds.

259 17-12-5.

260 (a) To be eligible for appointment as the director, a candidate shall be a member in good
 261 standing of the State Bar of Georgia with at least seven years' experience in the practice of
 262 law. ~~The director shall be selected on the basis of training and experience and such other~~
 263 ~~qualifications as the council deems appropriate.~~ The director shall be appointed by the
 264 Governor and shall serve at the pleasure of the Governor.

265 (b)(1) The director shall work with and provide support services and programs for circuit
 266 public defender offices and other attorneys representing indigent persons in criminal or
 267 juvenile cases in order to improve the quality and effectiveness of legal representation of
 268 such persons and otherwise fulfill the purposes of this chapter. Such services and
 269 programs shall include, but shall not be limited to, technical, research, and administrative
 270 assistance; educational and training programs for attorneys, investigators, and other staff;
 271 assistance with the representation of indigent defendants with mental disabilities;
 272 assistance with the representation of juveniles; assistance with death penalty cases; and
 273 assistance with appellate advocacy.

274 (2) The director may establish divisions within the office to administer the services and
 275 programs as may be necessary to fulfill the purposes of this chapter. The director shall
 276 establish a mental health advocacy division and the Georgia capital defender division.

277 (3) The director may hire and supervise such staff employees and may contract with
 278 outside consultants on behalf of the office as may be necessary to provide the services
 279 contemplated by this chapter.

280 (c) The director shall have and may exercise the following power and authority:

281 (1) The power and authority to take or cause to be taken any or all action necessary to
 282 perform any indigent defense services or otherwise necessary to perform any duties,
 283 responsibilities, or functions which the ~~council~~ agency is authorized by law to perform
 284 or to exercise any power or authority which the ~~council~~ agency is authorized by law to
 285 exercise; and

286 (2) The power and authority to make, promulgate, enforce, or otherwise require
 287 compliance with any and all rules, regulations, procedures, or directives necessary to
 288 perform any indigent defense services, to carry into effect the minimum standards and
 289 procedures promulgated by the ~~council~~ agency, or otherwise necessary to perform any
 290 duties, responsibilities, or functions which the ~~council~~ agency is authorized by law to
 291 perform, ~~or to exercise any power or authority which the council is authorized by law to~~
 292 ~~exercise; and~~

293 ~~(3) The power and authority to assist the council in the performance of its duties,~~
 294 ~~responsibilities, and functions and the exercise of its power and authority.~~

295 (d) The director shall:

296 (1) Prepare and submit ~~to the council a proposed~~ the budget for the ~~council~~ agency. The
 297 director shall also prepare and submit an annual report containing pertinent data on the
 298 operations, costs, and needs of the ~~council~~ agency and such other information as the
 299 ~~council~~ Governor may require;

300 (2) Develop such rules, policies, procedures, regulations, and standards as may be
 301 necessary to carry out the provisions of this chapter and comply with all applicable laws,
 302 standards, and regulations, ~~and submit these to the council for approval;~~

303 (3) Administer and coordinate the operations of the ~~agency~~ council ~~and supervise~~
 304 ~~compliance with rules, policies, procedures, regulations, and standards adopted by the~~
 305 ~~council;~~

306 (4) Maintain proper records of all financial transactions related to the operation of the
 307 ~~council~~ agency;

308 (5) At the director's discretion, solicit and accept on behalf of the ~~council~~ agency any
 309 funds that may become available from any source, including government, nonprofit, or
 310 private grants, gifts, or bequests;

- 311 (6) Coordinate the services of the ~~council~~ agency with any federal, county, or private
 312 programs established to provide assistance to indigent persons in cases subject to this
 313 chapter and consult with professional bodies concerning the implementation and
 314 improvement of programs for providing indigent services;
- 315 (7) Provide for the training of attorneys and other staff involved in the legal
 316 representation of persons subject to this chapter;
- 317 (8) Attend all council meetings, ~~except those meetings or portions thereof that address~~
 318 ~~the question of appointment or removal of the director;~~
- 319 (9) Ensure that the expenditures of the ~~council~~ agency are not greater than the amounts
 320 budgeted or available from other revenue sources;
- 321 (10) Hire, ~~with the pending approval of the council,~~ a mental health advocate who shall
 322 serve as director of the division of the office of mental health advocacy;
- 323 (11) Hire, ~~with the pending approval of the council,~~ the capital defender who shall serve
 324 as the director of the division of the office of the Georgia capital defender; and
- 325 (12) Evaluate each circuit public defender's job performance, ~~and communicate his or~~
 326 ~~her findings to the council,~~ and
- 327 (13) ~~Perform other duties as the council may assign.~~

328 17-12-6.

- 329 (a) The ~~council~~ agency shall assist the public defenders throughout the state in their efforts
 330 to provide adequate legal defense to the indigent. Assistance may include:
- 331 (1) The preparation and distribution of a basic defense manual and other educational
 332 materials;
- 333 (2) The preparation and distribution of model forms and documents employed in indigent
 334 defense;
- 335 (3) The promotion of and assistance in the training of indigent defense attorneys;
- 336 (4) The provision of legal research assistance to public defenders; and
- 337 (5) The provision of such other assistance to public defenders as may be authorized by
 338 law.
- 339 (b) The ~~council~~ director:
- 340 (1) Shall be the fiscal officer for the circuit public defender offices and shall account for
 341 all moneys received from each governing authority; and
- 342 (2) Shall collect, maintain, review, and publish records and statistics for the purpose of
 343 evaluating the delivery of indigent defense representation in Georgia.

344 17-12-7.

345 (a) All members of the council shall at all times act in the best interest of indigent
346 defendants who are receiving legal representation under the provisions of this chapter.

347 (b) All members of the council shall be entitled to vote on any matter coming before the
348 council unless otherwise provided by law or by rules adopted by the council concerning
349 conflicts of interest.

350 (c) Each member of the council shall serve until a successor has been appointed. Removal
351 of council members shall be for cause and shall be in accordance with policies and
352 procedures adopted by the council.

353 (d) Unless otherwise provided in this article, a quorum shall be a majority of the members
354 of the council who are then in office, and decisions of the council shall be by majority vote
355 of the members present, ~~except that a majority of the entire council must approve the~~
356 ~~appointment or removal of the chairperson or removal of a circuit public defender for cause~~
357 ~~pursuant to Code Section 17-12-20 and an alternative delivery system pursuant to Code~~
358 ~~Section 17-12-36 and other matters as set forth in Code Section 17-12-36.~~

359 (e) The council shall meet at least quarterly and at such other times and places as it deems
360 necessary or convenient for the performance of its duties.

361 (f) The council shall elect a chairperson and such officers from the members of the council
362 as it deems necessary and shall adopt such rules for the transaction of its business as it
363 desires. The chairperson and officers shall serve for a term of two years and may be
364 removed without cause by a vote of two-thirds of the members of the entire council and for
365 cause by a majority vote of the entire council. The chairperson shall retain a vote on all
366 matters except those in which the chairperson has a conflict of interest or the removal of
367 the chairperson for cause. The council shall keep and maintain minutes of all council
368 meetings.

369 (g) The members of the council shall receive no compensation for their services but shall
370 be reimbursed for their actual expenses incurred in the performance of their duties as
371 members of the council. Any expenses incurred by the council shall be paid from the
372 general operating budget of the ~~council~~ agency.

373 17-12-8.

374 (a) The council shall ~~approve~~ recommend the development and improvement of programs
375 which provide legal representation to indigent persons and juveniles.

376 (b) The council shall ~~approve and implement~~ recommend programs, services, rules,
377 policies, procedures, regulations, and standards as may be necessary to fulfill the purposes
378 and provisions of this chapter and to comply with all applicable laws governing the rights
379 of indigent persons accused of violations of criminal law.

380 (c) All rules, regulations, policies, and standards that are ~~promulgated~~ recommended by
381 the council and adopted, with or without changes, by the director shall be publicly available
382 for review and shall be posted on the ~~council's~~ agency's website. Each rule, regulation,
383 policy, and standard shall identify the date upon which such rule, regulation, policy, and
384 standard took effect.

385 17-12-9.

386 The ~~council~~ agency shall be authorized to conduct or approve for credit or reimbursement,
387 or both, basic and continuing legal education courses or other appropriate training
388 programs for the circuit public defenders or their staff members. The ~~council~~ agency, in
389 accordance with such rules as ~~it~~ the director shall adopt, shall be authorized to provide
390 reimbursement, in whole or in part, for the actual expenses incurred by any circuit public
391 defender or their staff members in attending any approved course or training program from
392 funds as may be appropriated or otherwise made available to the ~~council~~ agency. The
393 circuit public defenders or their staff members shall be authorized to receive
394 reimbursement for actual expenses incurred in attending approved courses or training
395 programs. The ~~council~~ director shall adopt rules governing the approval of courses and
396 training programs for credit or reimbursement as may be necessary to administer this Code
397 section properly.

398 17-12-10.

399 (a) The ~~council~~ director shall prepare annually a report of ~~its~~ the agency's activities in
400 order to provide the General Assembly, the Governor, and the Supreme Court of Georgia
401 with an accurate description and accounting of the preceding year's expenditures and
402 revenue, including moneys received from cities and county governing authorities. Such
403 report shall include a three-year cost projection and anticipated revenues for all programs
404 defined in the General Appropriations Act.

405 (b) The ~~council~~ director shall provide to the General Assembly, the Governor, and the
406 Supreme Court of Georgia a detailed analysis of all grants and funds, whether public or
407 private, applied for or granted, together with how and in what manner the same are to be
408 utilized and expended.

409 (c) The ~~council~~ director shall prepare annually a report in order to provide the General
410 Assembly and the Governor with information on the ~~council's~~ director's assessment of the
411 delivery of indigent defense services, including, but not limited to, the costs involved in
412 operating each program and each governing authority's indigent person verification system,
413 methodology used, costs expended, and savings realized.

414 17-12-10.1.

415 (a) There is created the Legislative Oversight Committee for the Georgia Public Defender
 416 Agency Standards Council which shall be composed of eight persons: three members of
 417 the House of Representatives appointed by the Speaker of the House of Representatives,
 418 three members of the Senate appointed by the Senate Committee on Assignments or such
 419 person or entity as established by Senate rule, and one member of the House of
 420 Representatives and one member of the Senate appointed by the Governor. The members
 421 of such committee shall be selected within ten days after the convening of the General
 422 Assembly in each odd-numbered year and shall serve until their successors are appointed.

423 (b) The Speaker of the House of Representatives shall appoint a member of such
 424 committee to serve as chairperson, and the Senate Committee on Assignments or such
 425 person or entity as established by Senate rule shall appoint one member of the committee
 426 to serve as vice chairperson during each even-numbered year. The Senate Committee on
 427 Assignments or such person or entity as established by Senate rule shall appoint a member
 428 of such committee to serve as chairperson, and the Speaker of the House of Representatives
 429 shall appoint one member to serve as vice chairperson during each odd-numbered year.
 430 Such committee shall meet at least three times each year and, upon the call of the
 431 chairperson, at such additional times as deemed necessary by the chairperson.

432 (c) It shall be the duty of such committee to review and evaluate:

- 433 (1) Information on new programs submitted by the council;
- 434 (2) Information on rules, regulations, policies, and standards proposed by the council;
- 435 (3) The strategic plans for the council agency;
- 436 (4) Program evaluation reports and budget recommendations of the council agency;
- 437 (5) The fiscal impact of fees and fines on counties;
- 438 (6) The reports submitted pursuant to Code Section 15-21A-7 in order to identify, among
 439 other things, opportunities to reduce or consolidate fees, fines, and surcharges; and
- 440 (7) Such other information or reports as deemed necessary by such committee.

441 (d) The council and director shall cooperate with such committee and provide such
 442 information or reports as requested by the committee for the performance of its functions.

443 (e) The council director shall submit its the agency's budget estimate to the director of the
 444 Office of Planning and Budget in accordance with subsection (a) of Code Section
 445 45-12-78.

446 (f) The legislative oversight committee shall make an annual report of its activities and
 447 findings to the membership of the General Assembly and the Governor within one week
 448 of the convening of each regular session of the General Assembly. The chairperson of such
 449 committee shall deliver written executive summaries of such report to the members of the
 450 General Assembly prior to the adoption of the General Appropriations Act each year.

451 (g) The members of such committee shall receive the allowances authorized for legislative
452 members of legislative committees. The funds necessary to pay such allowances shall
453 come from funds appropriated to the House of Representatives and the Senate.

454 (h) The legislative oversight committee shall be authorized to request that a performance
455 audit of the ~~council~~ agency be conducted."

456 **SECTION 2.**

457 Said chapter is further amended by revising Code Sections 17-12-12.1, relating to the capital
458 defender division, and 17-12-13, relating to effective date, as follows:

459 "17-12-12.1.

460 (a) If there is a conflict of interest such that the Georgia capital defender division is unable
461 to defend any indigent person accused of a capital felony for which the death penalty is
462 being sought, the director shall determine and appoint counsel to represent the defendant.
463 The director shall establish the contractual agreement with the defendant's counsel for
464 payment of representing the defendant, and, when feasible and prudent, a flat fee structure
465 shall be utilized.

466 (b) A maximum of two attorneys shall be paid by the ~~council~~ agency pursuant to a
467 contractual agreement or at an hourly rate established by the ~~council~~ director with state
468 funds appropriated to the ~~council~~ agency. State funds shall be appropriated to the ~~council~~
469 agency for use by the Georgia capital defender division for the first \$150,000.00 paid for
470 each death penalty case. Funding for attorney's fees and expenses between \$150,000.01
471 and \$250,000.00 for each death penalty case shall be paid through state appropriations for
472 75 percent of such attorney's fees and expenses, and the county governing authority where
473 the indictment was returned shall pay 25 percent of such attorney's fees and expenses.
474 Funding for all attorney's fees and expenses in excess of \$250,000.00 for each death
475 penalty case shall be paid through state appropriations for 50 percent of such attorney's fees
476 and expenses, and the county governing authority where the indictment was returned shall
477 pay 50 percent of such attorney's fees and expenses.

478 (c) The ~~council~~ agency, with the assistance of the Georgia capital defender division, shall
479 establish guidelines for all expense requests for cases in which the death penalty is sought,
480 including, but not limited to, attorney's fees, expert witness fees, investigative fees, travel
481 and accommodation expenses, and copy and transcription costs.

482 (d) A county governing authority may provide supplemental compensation to counsel
483 appointed pursuant to this Code section.

484 ~~17-12-13.~~

485 ~~Reserved. This article shall become effective on December 31, 2003, except as specified~~
 486 ~~in Code Section 17-12-3."~~

487

SECTION 3.

488 Said chapter is further amended by revising subsections (b) through (e) of Code Section
 489 17-12-20, relating to selection and removal of circuit public defenders, as follows:

490 "(b)(1) By majority vote of its membership, the circuit public defender supervisory panel
 491 shall annually elect a chairperson and secretary and determine a quorum for the
 492 transaction of business. The chairperson shall conduct the meetings and deliberations of
 493 the panel and direct all activities. The secretary shall keep accurate records of all the
 494 meetings and deliberations and perform such other duties as the chairperson may direct.
 495 The panel may be called into session upon the direction of the chairperson or by the
 496 ~~council~~ director.

497 (2) By majority vote of its membership, the circuit public defender supervisory panel
 498 shall appoint the circuit public defender in the circuit as provided in this article. The first
 499 such appointments shall be made to take office on January 1, 2005, for terms of up to four
 500 years. The initial appointments shall be for a term of up to four years. A circuit public
 501 defender may be appointed for successive terms but shall not be reappointed if he or she
 502 was removed pursuant to subsection (c) of this Code section.

503 (c) A circuit public defender may be removed for cause by ~~a majority vote of the council~~
 504 ~~and may be removed without cause by a vote of two-thirds of the members of the entire~~
 505 ~~council~~ the director after notice and opportunity for hearing.

506 (d) A circuit public defender supervisory panel may convene at any time during its circuit
 507 public defender's term of office and shall convene at least semiannually for purposes of
 508 reviewing the circuit public defender's job performance and the performance of the circuit
 509 public defender office. The council and circuit public defender shall be notified at least
 510 two weeks in advance of the convening of the circuit public defender supervisory panel.
 511 The circuit public defender shall be given the opportunity to appear before the circuit
 512 public defender supervisory panel and present evidence and testimony. The chairperson
 513 shall determine the agenda for the semiannual review process, but, at a minimum, such
 514 review shall include information collected pursuant to subsection (c) of Code Section
 515 17-12-24, usage of state and local funding, expenditures, and budgeting matters. The
 516 chairperson shall make an annual report on or before ~~the thirtieth day of September~~ 30 of
 517 each year concerning the circuit public defender supervisory panel's findings regarding the
 518 job performance of the circuit public defender and his or her office to the ~~council~~ director
 519 on a form provided to the panel by the ~~council~~ director. If at any time the circuit public

520 defender supervisory panel finds that the circuit public defender is performing in a less than
 521 satisfactory manner or finds information of specific misconduct, the circuit public defender
 522 supervisory panel may by majority vote of its members adopt a resolution seeking review
 523 of their findings and remonstrative action by the council director. Such resolution shall
 524 specify the reason for such request. All evidence presented and the findings of the circuit
 525 public defender supervisory panel shall be forwarded to the council director within 15 days
 526 of the adoption of the resolution. ~~The council shall initiate action on the circuit public~~
 527 ~~defender supervisory panel's resolution at its next regularly scheduled meeting and take~~
 528 ~~final action within 60 days thereafter. The council shall notify the circuit public defender~~
 529 ~~supervisory panel, in writing, of any actions taken pursuant to submission of a resolution~~
 530 ~~under this subsection.~~

531 (e) If a vacancy occurs for the position of circuit public defender, the chief judge of the
 532 superior court of the circuit shall appoint an interim circuit public defender to serve until
 533 the circuit public defender supervisory panel has appointed a replacement. The circuit
 534 public defender supervisory panel shall appoint a replacement circuit public defender
 535 within three months of the occurring of the vacancy. The replacement circuit public
 536 defender shall not be any individual who has been removed by ~~the council~~ pursuant to
 537 subsection (c) of this Code section."

538

SECTION 4.

539 Said chapter is further amended by revising subsections (a) and (b) of Code Section
 540 17-12-22, relating to provision of counsel in event of a conflict of interests, as follows:

541 "(a) The council director shall establish a procedure for providing legal representation in
 542 cases where the circuit public defender office has a conflict of interest. Such procedure
 543 may include, but shall not be limited to, the appointment of individual counsel on a
 544 case-by-case basis or the utilization of another circuit public defender office when feasible.
 545 It is the intent of the General Assembly that the council director consider the most efficient
 546 and effective system to provide legal representation where the circuit public defender office
 547 has a conflict of interest.

548 (b) The circuit public defender shall establish a method for identifying conflicts of interest
 549 at the earliest possible opportunity. If there is a conflict of interest such that the circuit
 550 public defender office cannot represent a defendant and an attorney who is not employed
 551 by the circuit public defender office is appointed, such attorney shall have a contractual
 552 relationship with the council agency to represent indigent persons in conflict of interest
 553 cases, and such relationship may include, but shall not be limited to, a flat fee structure."

554 **SECTION 5.**

555 Said chapter is further amended by revising subsection (d) of Code Section 17-12-23, relating
 556 to representation by circuit public defenders, as follows:

557 "(d) A city or county may contract with the circuit public defender office for the provision
 558 of criminal defense for indigent persons accused of violating city or county ordinances or
 559 state laws. If a city or county does not contract with the circuit public defender office, the
 560 city or county shall be subject to all applicable rules, regulation, policies, and standards
 561 adopted by the ~~council~~ agency for representation of indigent persons in this state."

562 **SECTION 6.**

563 Said chapter is further amended by revising subsection (c) of Code Section 17-12-24, relating
 564 to operations of circuit public defenders, as follows:

565 "(c) The circuit public defender shall keep and maintain appropriate records, which shall
 566 include the number of persons represented, including cases assigned to other counsel based
 567 on conflict of interest; the offenses charged; the outcome of each case; the expenditures
 568 made in carrying out the duties imposed by this chapter; and any other information
 569 requested by the ~~council~~ agency."

570 **SECTION 7.**

571 Said chapter is further amended by revising Code Section 17-12-26, relating to budget
 572 estimates, as follows:

573 "17-12-26.

574 The ~~council~~ director shall prepare and submit to the director of the Office of Planning and
 575 Budget ~~its~~ a budget estimate necessary for fulfilling the purposes of this chapter in
 576 accordance with Code Section 45-12-78. The ~~council~~ agency shall be authorized to seek,
 577 solicit, apply for, and utilize funds from any public or private source to use in fulfilling the
 578 purposes of this chapter."

579 **SECTION 8.**

580 Said chapter is further amended by revising paragraph (2) of subsection (a), subsection (b),
 581 and subsection (h) of Code Section 17-12-27, relating to public defender staff, as follows:

582 "(2) Subject to funds being appropriated by the General Assembly or otherwise available,
 583 additional assistant public defenders as may be authorized by the ~~council~~ director. In
 584 authorizing additional assistant public defenders, the ~~council~~ director shall consider the
 585 caseload, present staff, and resources available to each circuit public defender and shall
 586 make authorizations as will contribute to the efficiency of individual circuit public

587 defenders and the effectiveness of providing adequate legal defense for indigent
588 defendants.

589 (b) Each assistant public defender appointed pursuant to subsection (a) of this Code
590 section shall be classified based on education, training, and experience. The jobs of
591 assistant public defenders and the minimum qualifications required for appointment or
592 promotion to each job shall be established by the ~~council~~ agency based on education,
593 training, and experience and in accordance with the provisions of Code Sections 17-12-30
594 and 17-12-34."

595 "(h) Notwithstanding the provisions of subsection (g) of this Code section, an employee
596 of a local public defender office who was an employee of the office on June 30, 2004, and
597 who becomes a circuit public defender or an employee of a circuit public defender office
598 before July 1, 2005, may elect, with the consent of the former employer and the consent
599 of the ~~council~~ agency, to remain an employee of the entity for which the employee worked
600 as a local public defender; and such entity shall be his or her employer for all purposes,
601 including, without limitation, compensation and employee benefits. The right to make an
602 election pursuant to this subsection shall expire on July 1, 2005. The ~~council~~ agency shall
603 reimburse the appropriate entity for compensation, benefits, and employer contributions
604 under the federal Social Security Act, but the total payment from the ~~council~~ agency to the
605 entity on behalf of the employee shall not exceed the amount otherwise payable to or for
606 the employee under the circumstance where the employee had become a state employee."

607 **SECTION 9.**

608 Said chapter is further amended by revising subsection (a) of Code Section 17-12-28, relating
609 to circuit public defender investigators, as follows:

610 "(a) Subject to the provisions of this Code section, the circuit public defender in each
611 judicial circuit is authorized to appoint one investigator to assist the circuit public defender
612 in the performance of his or her official duties in the preparation of cases for trial. Subject
613 to funds being appropriated by the General Assembly or otherwise available, the circuit
614 public defender in each judicial circuit may appoint additional investigators as may be
615 authorized by the ~~council~~ director. In authorizing additional investigators, the ~~council~~
616 director shall consider the caseload, present staff, and resources available to each circuit
617 public defender and shall make authorizations as will contribute to the efficiency of
618 individual circuit public defenders and the effectiveness of circuit public defenders
619 throughout the state in providing adequate legal defense for indigent defendants."

620 **SECTION 10.**

621 Said chapter is further amended by revising subsection (a) of Code Section 17-12-29, relating
 622 to circuit public defender personnel, as follows:

623 "(a) Each circuit public defender is authorized to employ administrative, clerical, and
 624 paraprofessional personnel as may be authorized by the ~~council~~ director based on funds
 625 appropriated by the General Assembly or otherwise available; provided, however, that each
 626 circuit public defender shall be authorized not less than two such personnel. In authorizing
 627 administrative, clerical, and paraprofessional personnel, the ~~council~~ director shall consider
 628 the caseload, present staff, and resources available to each circuit public defender and shall
 629 make authorizations as will contribute to the efficiency of individual circuit public
 630 defenders in providing effective criminal defense for indigent defendants."

631 **SECTION 11.**

632 Said chapter is further amended by revising paragraphs (1) through (5) of subsection (c) of
 633 Code Section 17-12-30, relating to classification and compensation of public defender staff,
 634 as follows:

635 "(c)(1) The ~~council~~ director shall establish salary ranges for each state paid position
 636 authorized by this article or any other provision of law. Salary ranges shall be similar to
 637 the state-wide and senior executive ranges adopted by the State Merit System of
 638 Personnel Administration and shall provide for minimum, midpoint, and maximum
 639 salaries not to exceed the maximum allowable salary. In establishing the salary ranges,
 640 all amounts will be rounded off to the nearest whole dollar. The ~~council~~ director may,
 641 from time to time, revise the salary ranges to include across-the-board increases which
 642 the General Assembly may from time to time authorize in the General Appropriations
 643 Act.

644 (2) The circuit public defender shall fix the compensation of each state paid employee
 645 appointed pursuant to this article in accordance with the job to which the person is
 646 appointed and the appropriate salary range.

647 (3) All salary advancements shall be based on quality of work, training, and
 648 performance. The salary of state paid personnel appointed pursuant to this article may
 649 be increased at the first of the calendar month following the annual anniversary of the
 650 person's appointment. No employee's salary shall be advanced beyond the maximum
 651 established in the applicable pay range.

652 (4) Any reduction in salary shall be made in accordance with the salary range for the
 653 position and the policies, rules, or regulations adopted by the ~~council~~ director.

654 (5) The compensation of state paid personnel appointed pursuant to this article shall be
 655 paid in equal installments by the ~~council~~ agency as provided by this subsection from

656 funds appropriated for such purpose. The ~~council~~ director may authorize employees
 657 compensated pursuant to this Code section to participate in voluntary salary deductions
 658 as provided by Article 3 of Chapter 7 of Title 45."

659 **SECTION 12.**

660 Said chapter is further amended by revising Code Section 17-12-32, relating to local
 661 government contracts for personnel, as follows:

662 "17-12-32.

663 The governing authority of any county or municipality within the judicial circuit which
 664 provides additional personnel for the office of circuit public defender may contract with
 665 the ~~council~~ agency to provide such additional personnel in the same manner as is provided
 666 for state paid personnel in this article. Any such personnel shall be considered state
 667 employees and shall be entitled to the same fringe benefits as other state paid personnel
 668 employed by the circuit public defender pursuant to this article. The governing authority
 669 of such county or municipality shall transfer to the ~~council~~ agency such funds as may be
 670 necessary to cover the compensation, benefits, travel, and other expenses for such
 671 personnel."

672 **SECTION 13.**

673 Said chapter is further amended by revising Code Section 17-12-36, relating to alternative
 674 service delivery systems, and Code Section 17-12-37, relating to effective date, as follows:

675 "17-12-36.

676 (a) ~~The council may permit a~~ A judicial circuit composed of a single county ~~to~~ may
 677 continue in effect an alternative delivery system if approved to do so under the law in effect
 678 prior to July 1, 2009. ~~to the one set forth in this article if:~~

679 (1) ~~The delivery system:~~

680 (A) ~~Has a full-time director and staff and had been fully operational for at least two~~
 681 ~~years on July 1, 2003; or~~

682 (B) ~~Is administered by the county administrative office of the courts or the office of the~~
 683 ~~court administrator of the superior court and had been fully operational for at least two~~
 684 ~~years on July 1, 2003;~~

685 (2) ~~The council, by majority vote of the entire council, determines that the delivery~~
 686 ~~system meets or exceeds its rules, regulations, policies, and standards, including, without~~
 687 ~~limitation, caseload standards, as the council adopts;~~

688 (3) ~~The governing authority of the county comprising the judicial circuit enacts a~~
 689 ~~resolution expressing its desire to continue its delivery system and transmits a copy of~~
 690 ~~such resolution to the council not later than September 30, 2004, and~~

691 ~~(4) The governing authority of the county comprising the judicial circuit enacts a~~
692 ~~resolution agreeing to fully fund its delivery system.~~

693 ~~(b) A judicial circuit composed of a single county may request an alternative delivery~~
694 ~~system only one time; provided, however, that if such judicial circuit's request for an~~
695 ~~alternative delivery system was disapproved on or before December 31, 2004, such judicial~~
696 ~~circuit may make one further request on or before September 1, 2005. The council shall~~
697 ~~allow such judicial circuit to have a hearing on such judicial circuit's request.~~

698 ~~(c) The council shall make a determination with regard to continuation of an alternative~~
699 ~~delivery system not later than December 1, 2005, and if the council determines that such~~
700 ~~judicial circuit's alternative delivery system does not meet the standards as established by~~
701 ~~the council, the council shall notify such judicial circuit of its deficiencies in writing and~~
702 ~~shall allow such judicial circuit an opportunity to cure such deficiencies. The council shall~~
703 ~~make a final determination with regard to continuation of an alternative delivery system~~
704 ~~on or before December 31, 2005. Initial and subsequent approvals of alternative delivery~~
705 ~~systems shall be by a majority vote of the entire council.~~

706 ~~(d) Any circuit whose alternative delivery system is disapproved at any time shall be~~
707 ~~governed by the provisions of this article other than this Code section.~~

708 ~~(e)~~(b) In the event an alternative delivery system is approved, the council in operation, the
709 director shall annually review the operation of such system and determine whether such
710 system is meeting the standards as established by the council director and is eligible to
711 continue operating as an approved alternative delivery system. In the event the council
712 director determines that such system is not meeting the standards as established by the
713 council director, the council director shall provide written notice to such system of the
714 deficiencies and shall provide such system an opportunity to cure such deficiencies.

715 ~~(f)~~(c) In the event an alternative delivery system is approved in operation, it shall keep and
716 maintain appropriate records; which shall include the number of persons represented; the
717 offenses charged; the outcome of each case; the expenditures made in providing services;
718 and any other information requested by the council director.

719 ~~(g)~~(d) In the event the council director disapproves an alternative delivery system ~~either~~
720 ~~in its initial application or on~~ annual review, such system may appeal such decision to the
721 Supreme Court of Georgia under such rules and procedures as shall be prescribed by the
722 Supreme Court.

723 ~~(h)~~(e) An approved alternative delivery system shall be paid by the council agency, from
724 funds available to the council agency, in an amount equal to the amount that would have
725 been allocated to the judicial circuit for the minimum salary of the circuit public defender,
726 the assistant circuit public defenders, the investigator, and the administrative staff,
727 exclusive of benefits, if the judicial circuit was not operating an alternative delivery system.

728 17-12-37.

729 ~~Reserved. This article shall become effective on January 1, 2005; provided, however, that~~
 730 ~~the council and the circuit public defender selection panels shall be authorized to take~~
 731 ~~administrative actions as may be necessary or appropriate to prepare for and phase-in full~~
 732 ~~implementation of this article on or after December 31, 2003."~~

733 **SECTION 14.**

734 Said chapter is further amended by revising subsection (c) of Code Section 17-12-51, relating
 735 to repayment of attorney's fees as a condition of probation, as follows:

736 "(c) If a defendant who is represented by a public defender, who is paid for entirely by the
 737 state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted,
 738 the court may impose as a condition of probation repayment of all or a portion of the cost
 739 for providing legal representation and other costs of the defense if the payment does not
 740 impose a financial hardship upon such defendant or such defendant's dependent or
 741 dependents. Such defendant shall make such payment through the probation department
 742 to the Georgia Public Defender ~~Standards Council~~ Agency for payment to the general fund
 743 of the state treasury."

744 **SECTION 15.**

745 Said chapter is further amended by revising Code Section 17-12-80, relating to determination
 746 of indigency, as follows:

747 "17-12-80.

748 (a) In order to retain funding as provided in Code Sections 15-21-74 and 15-21A-6, a
 749 governing authority shall verify that the applicant qualifies as an indigent person. The
 750 governing authority shall establish the methodology for verification and fund such process.
 751 The governing authority shall produce auditable information to the ~~council~~ agency to
 752 substantiate its verification process as requested by the ~~council~~ or its director.

753 (b) The ~~council~~ director shall establish rules and regulations to determine approval of an
 754 indigent person verification system and shall annually provide written notification to the
 755 Georgia Superior Court Clerks' Cooperative Authority as to whether or not a governing
 756 authority has an approved indigent person verification system.

757 (c) The governing authority shall advise the circuit public defender, if applicable, or the
 758 administrator of the indigent defense system for the jurisdiction of the name of each person
 759 who has applied for legal services and provide identifying information for those persons
 760 who are financially eligible for services within one business day of such person's
 761 application for services."

762

SECTION 16.

763 This Act shall become effective July 1, 2009, except that for purposes of making the initial
764 appointments called for by this Act, it shall become effective upon its approval by the
765 Governor or upon its becoming law without such approval.

766

SECTION 17.

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