

House Bill 283

By: Representatives Martin of the 47<sup>th</sup>, Harbin of the 118<sup>th</sup>, Oliver of the 83<sup>rd</sup>, Smith of the 113<sup>th</sup>, and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated,  
2 relating to general provisions pertaining to certiorari and appeals to appellate courts  
3 generally, so as to change certain provisions relating to filing fees for appeals to the Supreme  
4 Court and the Court of Appeals; to amend Code Section 15-19-2 of the Official Code of  
5 Georgia Annotated, relating to the rules governing the board of examiners, expenses of the  
6 board, and the amount and disposition of examination fees, so as to change certain provisions  
7 relating to bar examination fees; to provide for related matters; to provide an effective date;  
8 to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to  
12 general provisions pertaining to certiorari and appeals to appellate courts generally, is  
13 amended in Code Section 5-6-4, relating to a bill of costs, payment of costs, filing of an  
14 affidavit of indigence, and payment of costs or filing of an affidavit as a prerequisite to the  
15 receipt of an application for appeal or brief by the clerk, as follows:

16 "5-6-4.

17 The bill of costs for every application to the Supreme Court for a writ of certiorari or for  
18 applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to  
19 the Supreme Court or the Court of Appeals shall be ~~\$80.00~~ \$300.00. The costs shall be  
20 paid by counsel for the applicant or appellant at the time of the filing of the application or,  
21 in the case of direct appeals, at the time of the filing of the original brief of the appellant.  
22 In those cases in which the writ of certiorari or an application for appeal is granted, there  
23 shall be no additional costs. Costs shall not be required in those instances when at the time  
24 the same are due counsel for the applicant or appellant shall file a statement that an  
25 affidavit of indigence has been duly filed or file an affidavit that he or she was appointed  
26 to represent the defendant by the trial court because of the defendant's indigency. The clerk

27 is prohibited from receiving the application for appeal or the brief of the appellant unless  
28 the costs have been paid or a sufficient affidavit of indigence is filed or contained in the  
29 record."

30

**SECTION 2.**

31 Code Section 15-19-2 of the Official Code of Georgia Annotated, relating to the rules  
32 governing the board of examiners, expenses of the board, and the amount and disposition of  
33 examination fees, is amended in subsection (b) as follows:

34 "(b) All fees paid by applicants for admission to the bar by examination shall be paid into  
35 the general funds of the treasury. The Supreme Court, upon recommendation by the board,  
36 shall by rule set the amount of the examination fee to be paid by the applicants for  
37 admission to the bar by examination and shall direct to whom and when the fee shall be  
38 paid. The examination fee shall be reasonable and shall be determined in such a manner  
39 that the total amount of the fees charged and collected by the board in each fiscal year shall  
40 approximate the direct and indirect costs to the state of administering the examination. ~~The~~  
41 ~~amount of the fee to be paid by the applicant shall not exceed \$90.00."~~

42

**SECTION 3.**

43 This Act shall become effective upon its approval by the Governor or upon its becoming law  
44 without such approval.

45

**SECTION 4.**

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