

**ADOPTED**

Senator Smith of the 52nd offered the following amendment:

1 *Amend the Senate Judiciary Committee substitute to SB 42 by inserting "Defender" after*  
 2 *"Public" on lines 3 and 4.*

3 *By striking lines 67 through 69 and inserting in lieu thereof the following:*

4 (b) Not later than 60 days after the effective date of this subsection, the council shall be  
 5 reconstituted as a new advisory body with new members appointed in 2009. The members  
 6 serving on the council immediately prior to the effective date of this subsection shall cease  
 7 to serve on the effective date of this subsection, but

8 *By replacing "Act" with "paragraph" on line 193.*

9 *By replacing "on July 1, 2003 upon the effective date of this Act" with "on July 1, 2003 not*  
 10 *later than 60 days after the effective date of this paragraph" on lines 202 and 203.*

11 *By inserting between lines 458 and 459 the following:*

12 **SECTION 1A.**

13 Said chapter is further amended by revising subsection (a) of Code Section 17-12-11, relating  
 14 to mental health advocacy division, duties, responsibilities, and management, as follows:

15 "(a) The mental health advocacy division shall represent in any court in this state indigent  
 16 persons found not guilty by reason of insanity at the time of the crime or found mentally  
 17 incompetent to stand trial and shall be the successor to the office of mental health advocacy  
 18 created by Article 4 of this chapter as it existed on June 30, 2008. Any assets or resources  
 19 of the office of mental health advocacy shall be transferred to the ~~council~~ agency. The  
 20 mental health advocacy division office shall serve all counties of this state."

21 **SECTION 1B.**

22 Said chapter is further amended by revising subsection (a) of Code Section 17-12-12, relating  
 23 to Georgia capital defender division and duties, responsibilities, and management, as follows:

24 "(a) The Georgia capital defender division shall represent all indigent persons charged with  
 25 a capital felony for which the death penalty is being sought in any court in this state and  
 26 shall be the successor to the Office of the Georgia Capital Defender created by Article 6  
 27 of this chapter as it existed on June 30, 2008. Any assets or resources of the Office of the  
 28 Georgia Capital Defender shall be transferred to the ~~council~~ agency. The Georgia capital  
 29 defender division shall serve all counties of this state."

30 *By striking "subsections (b) through (e) of" on line 491.*

31 *By inserting between lines 492 and 493 the following:*

32 "17-12-20.

33 (a) On and after July 1, 2008, there is created in each judicial circuit in this state a circuit  
34 public defender supervisory panel to be composed of seven members. The Lieutenant  
35 Governor, the Speaker of the House of Representatives, and the chief judge of the superior  
36 court of the circuit shall each appoint one member. The Governor shall appoint four  
37 members, two of which shall be members of the governing authority of the counties within  
38 the judicial circuit for which such member is appointed to serve. A member of a governing  
39 authority shall be eligible to serve so long as he or she retains the office by virtue of which  
40 he or she is serving on the panel. Other than the county commissioner, members of the  
41 circuit public defender supervisory panel shall be individuals with significant experience  
42 working in the criminal justice system or who have demonstrated a strong commitment to  
43 the provision of adequate and effective representation of indigent defendants. A  
44 prosecuting attorney as defined in paragraph (6) of Code Section 19-13-51, any employee  
45 of a prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of  
46 the State of Georgia shall not serve as a member of the circuit public defender supervisory  
47 panel after July 1, 2005. On and after July 1, 2008, no employees of the ~~council~~ agency  
48 shall serve as a member of the circuit public defender supervisory panel. Members of the  
49 circuit public defender supervisory panel shall reside in the judicial circuit in which they  
50 serve. The circuit public defender supervisory panel members shall serve for a term of five  
51 years. Any vacancy for an appointed member shall be filled by the appointing authority.

52 *By striking "subsections (a) and (b) of" on line 571, by inserting "'17-12-22." between lines*  
53 *572 and 573, and by striking the quotation mark at the beginning of line 573.*

54 *By striking the quotation mark at the end of line 585 and inserting between lines 585 and 586*  
55 *the following:*

56 (c) Attorneys who seek appointment in conflict cases shall have such experience or  
57 training in the defense of criminal cases as is necessary in light of the complexity of the  
58 case to which he or she is appointed and shall meet such qualifications, regulations, and  
59 standards for the representation of indigent defendants as are established by the ~~council~~  
60 agency."

61 *By replacing "Act" with "subsection" on line 710.*