

The Senate Judiciary Committee offered the following substitute to HB 331:

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 provide for related matters; to provide an effective date;
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

13 "5-6-4.

14 The bill of costs for every application to the Supreme Court for a writ of certiorari or for
15 applications for appeals filed in the Supreme Court or the Court of Appeals or appeals to
16 the Supreme Court or the Court of Appeals shall be \$80.00 in criminal cases and in habeas
17 corpus cases for persons whose liberty is being restrained by virtue of a sentence imposed
18 against them by a state court and \$300.00 in all other civil cases. The costs shall be paid
19 by counsel for the applicant or appellant at the time of the filing of the application or, in
20 the case of direct appeals, at the time of the filing of the original brief of the appellant. In
21 those cases in which the writ of certiorari or an application for appeal is granted, there shall
22 be no additional costs. Costs shall not be required in those instances when at the time the
23 same are due counsel for the applicant or appellant shall file a statement that an affidavit
24 of indigence has been duly filed or file an affidavit that he or she was appointed to
25 represent the defendant by the trial court because of the defendant's indigency. The clerk
26 is prohibited from receiving the application for appeal or the brief of the appellant unless

27 the costs have been paid or a sufficient affidavit of indigence is filed or contained in the
28 record."

29 **SECTION 2.**

30 This Act shall become effective on July 1, 2009.

31 **SECTION 3.**

32 All laws and parts of laws in conflict with this Act are repealed.