

Senate Bill 181

By: Senators Bethel of the 54th and Williams of the 19th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 16 and Chapter 15 of Title 45 of the Official Code of Georgia
2 Annotated, relating to general provisions for crimes and offenses and the Attorney General,
3 respectively, so as prohibit contingent compensation under certain circumstances; to change
4 provisions relating to the Attorney General's authorization to employ private counsel; to
5 provide for legislative findings; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The General Assembly finds that private attorneys have been appointed to prosecute
10 forfeiture proceedings on behalf of the state and that some of such attorneys have been
11 compensated on a contingency basis. The General Assembly finds and declares that
12 contingent compensation for prosecuting forfeiture cases is against the public policy of this
13 state.

14 **SECTION 2.**

15 Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general
16 provisions for crimes and offenses, is amended by adding a new Code section to read as
17 follows:

18 "16-1-12.

19 (a) Prosecuting attorneys, assistant attorneys general, special assistant attorneys general,
20 or any private attorneys employed to prosecute forfeiture proceedings under this title shall
21 not be compensated:

22 (1) On a contingent basis from proceeds arising in or resulting from a forfeiture action;
23 or
24 (2) By an hourly or fixed fee arrangement that is contingent from proceeds arising in or
25 resulting from a forfeiture action.

26 (b) This Code section shall not prohibit the district attorney or a local government from
27 entering into an hourly or fixed fee arrangement with a private attorney to prosecute
28 forfeiture actions that is not contingent upon the outcome of a forfeiture action and that is
29 designed to pay for services rendered regardless of the outcome of the forfeiture action."

SECTION 3.

31 Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the Attorney
32 General, is amended by revising Code Section 45-15-4, relating to the Attorney General's
33 authorization to employ private counsel, as follows:

34 "45-15-4.

35 The Attorney General, upon the request of any department, office, officer, institution,
36 commission, committee, board, or other agency of any branch of the government of the
37 state or any instrumentality thereof, is authorized to select and employ private counsel to
38 perform legal services for such department, office, officer, institution, commission,
39 committee, board, or other agency of any branch of the government of the state or any
40 instrumentality thereof; provided, however, that such employment contract shall be in
41 accord with Code Section 16-1-12, as applicable."

SECTION 4.

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