

Senate Bill 193

By: Senator Grant of the 25th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated,
2 relating to procedure for persons under sentence of state court of record, so as to update
3 administrative provisions relating to the reimbursement to counties for habeas corpus costs;
4 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to
9 procedure for persons under sentence of state court of record, is amended by revising Code
10 Section 9-14-53, relating to reimbursement to counties for habeas corpus costs, as follows:

11 "9-14-53.

12 Each county of this state shall be reimbursed from state funds for court costs both at the
13 trial level and in any appellate court for each writ of habeas corpus sought in the superior
14 court of the county by indigent petitioners when the granting of the writ is denied or when
15 the court costs are cast upon the respondent, but such reimbursement shall not exceed
16 \$10,000.00 per annum total for each county. By not later than September 1 of each
17 calendar year, the clerk of the superior court of each county shall send a certified list to the
18 ~~commissioner of administrative services~~ The Council of Superior Court Judges of Georgia
19 of each writ of habeas corpus sought in the superior court of the county during the 12
20 month period immediately preceding July 1 of that calendar year by indigent petitioners
21 for which the granting of the writ was denied or for which the court costs were cast upon
22 the respondent; and such list shall include the court costs both at the trial level and in any
23 appellate court for each such writ of habeas corpus. By not later than December 15 of each
24 calendar year, the ~~commissioner~~ council shall pay to the county from funds appropriated
25 or otherwise made available for the operation of the superior courts the reimbursement as
26 set forth in the certified list, subject to the maximum reimbursement provided for in this

27 Code section. The list sent to the ~~commissioner~~ council as provided in this ~~paragraph~~ Code
28 section shall be certified as correct by the governing authority of the county and by the
29 judge of the superior court of the county. The ~~commissioner~~ council is authorized to devise
30 and make available to the counties such forms as may be reasonably necessary to carry out
31 this ~~paragraph~~ Code section and to establish such procedures as may be reasonably
32 necessary for such purposes. This Code section shall not be construed to amend or repeal
33 the provisions of Code Section 15-6-28 or any other provision of law for funds for any
34 judicial circuit."

35 **SECTION 2.**

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

38 **SECTION 3.**

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