

House Bill 319

By: Representatives Werkheiser of the 157th, Williams of the 145th, Fleming of the 121st, and Pruettt of the 149th

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 habeas corpus procedure for persons under sentence of state court of record, so
3 as to increase the maximum amount which counties may be reimbursed for certain habeas
4 corpus costs; to provide for related matters; to repeal conflicting laws; and for other
5 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 habeas corpus procedure for persons under sentence of state court of record, is amended by
10 revising Code Section 9-14-53, relating to reimbursement to counties for habeas corpus costs,
11 as follows:

12 "9-14-53.

13 Each county of this state shall be reimbursed from state funds for court costs both at the
14 trial level and in any appellate court for each writ of habeas corpus sought in the superior
15 court of the county by indigent petitioners when the granting of the writ is denied or when
16 the court costs are cast upon the respondent, but such reimbursement shall not exceed
17 ~~\$10,000.00~~ \$30,000.00 per annum total for each county. By not later than September 1 of
18 each calendar year, the clerk of the superior court of each county shall send a certified list
19 to The Council of Superior Court Judges of Georgia of each writ of habeas corpus sought
20 in the superior court of the county during the 12 month period immediately preceding
21 July 1 of that calendar year by indigent petitioners for which the granting of the writ was
22 denied or for which the court costs were cast upon the respondent; and such list shall
23 include the court costs both at the trial level and in any appellate court for each such writ
24 of habeas corpus. By not later than December 15 of each calendar year, the council shall
25 pay to the county from funds appropriated or otherwise made available for the operation
26 of the superior courts the reimbursement as set forth in the certified list, subject to the

27 maximum reimbursement provided for in this Code section. The list sent to the council as
28 provided in this Code section shall be certified as correct by the governing authority of the
29 county and by the judge of the superior court of the county. The council is authorized to
30 devise and make available to the counties such forms as may be reasonably necessary to
31 carry out this 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 All laws and parts of laws in conflict with this Act are repealed.