

The Senate Committee on Judiciary offered the following substitute to HB 137:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to
2 general provisions for crimes and offenses, so as to change provisions relating to restrictions
3 on contingency fee compensation of an attorney appointed to represent the state in forfeiture
4 actions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general
8 provisions for crimes and offenses, is amended by revising Code Section 16-1-12, relating
9 to restrictions on contingency fee compensation of an attorney appointed to represent the
10 state in forfeiture actions, as follows:

11 "16-1-12.

12 (a) In any forfeiture action brought pursuant to this title or Title 3, 7, 10, 12, 17, 27, 40,
13 46, 48, 49, or 52, an attorney appointed by the Attorney General or district attorney as a
14 special assistant attorney general, special assistant district attorney, or other attorney
15 appointed to represent this state in such forfeiture action shall not be compensated ~~on:~~

16 (1) On a contingent basis by a percentage of assets which arise or are realized from such
17 forfeiture action. ~~Such attorneys shall also not be compensated on; or~~

18 (2) On a contingent basis by an hourly, fixed fee, or other arrangement which is
19 contingent on a successful prosecution of such forfeiture action.

20 (b) When an attorney is appointed by the Attorney General or district attorney as a special
21 assistant attorney general, special assistant district attorney, or other attorney to represent
22 this state in a forfeiture action, such appointment and the terms of compensation for the
23 representation to which he or she is appointed shall be in writing and filed with the clerk
24 of court and copies shall be provided to the presiding judge and the Prosecuting Attorneys'
25 Council of the State of Georgia.

