

ADOPTED SENATE

Senators Ligon, Jr. of the 3rd, Cowser of the 46th and Harbin of the 16th offered the following amendment:

1 *Amend the Senate Committee on Judiciary substitute to HB 15 (LC 29 7574S) by striking*
 2 *line 1 and inserting in lieu thereof the following:*

3 To amend Title 15 and Chapter 1 of Title 16 of the Official Code of Georgia Annotated,
 4 relating to courts and general provisions for crimes and offenses, respectively, so as to
 5 require certain court filings to be filed electronically and in writing; to

6 *By inserting after "procedures;" on line 4 the following:*

7 to change provisions relating to restrictions on contingency fee compensation of an
 8 attorney appointed to represent the state in forfeiture actions;

9 *By inserting between lines 131 and 132 the following:*

PART II**SECTION 2-1.**

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

16 "16-1-12.

17 (a) In any forfeiture action brought pursuant to this title or Title 3, 7, 10, 12, 17, 27, 40,
 18 46, 48, 49, or 52, an attorney appointed by the Attorney General or district attorney as a
 19 special assistant attorney general, special assistant district attorney, or other attorney
 20 appointed to represent this state in such forfeiture action shall not be compensated ~~on;~~

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

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

25 (b) When an attorney is appointed by the Attorney General or district attorney as a special
 26 assistant attorney general, special assistant district attorney, or other attorney to represent
 27 this state in a forfeiture action, such appointment and the terms of compensation for the
 28 representation to which he or she is appointed shall be in writing and filed with the clerk

29 of court and copies shall be provided to the presiding judge and the Prosecuting Attorneys'
30 Council of the State of Georgia.

31 ~~(b)~~(c) Nothing in this Code section shall be construed as prohibiting or otherwise
32 restricting the Attorney General or a district attorney from appointing special assistants or
33 other attorneys to assist in the prosecution of any action brought pursuant to this title."

34 *By redesignating Part II as Part III and by redesignating Sections 2-1 and 2-2 as*
35 *Sections 3-1 and 3-2, respectively.*

36 *By redesignating Part III as Part IV and by redesignating Section 3-1 as Section 4-1.*