

WITHDRAWN

Representative Turner of the 21st offers the following amendment:

1 *Amend the House Committee on Judiciary substitute to SB 132 (LC 41 1174S) by adding*
 2 *after "information;" on line 7 the following:*

3 to amend Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general
 4 provisions for crimes and offenses, so as to change provisions relating to restrictions on
 5 contingency fee compensation of an attorney appointed to represent the state in forfeiture
 6 actions;

7 *By replacing "an effective date;" with "effective dates;" on line 8.*

8 *By replacing lines 401 and 402 with the following:*

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

13 "16-1-12.

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

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

20 (2) An hourly basis that is capped by the value of the assets which arise or are realized
 21 from such forfeiture action; or

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

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

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

33 **PART IV**

34 **SECTION 4-1.**

35 This part and Part III of this Act shall become effective on July 1, 2017. Parts I and II of this
36 Act shall become effective on January 1, 2018.

37 **SECTION 4-2.**