

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

A BILL TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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

"16-1-12.

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

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

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

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

27 of the conclusion of the criminal proceedings for all of the codefendants or the final order  
28 in such forfeiture action, whichever occurs last. When the forfeiture action is not  
29 connected to a criminal proceeding, such appointment and the terms of compensation shall  
30 be filed within ten days of the final order in such forfeiture action.

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 **SECTION 2.**  
35 All laws and parts of laws in conflict with this Act are repealed.