

Senate Bill 31

By: Senators Beach of the 21st, Dolezal of the 27th, Gooch of the 51st, Kirkpatrick of the 32nd, Hatchett of the 50th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to prosecuting attorneys, so as to provide for the
3 reimbursement of expenses incurred by the Attorney General in prosecuting a criminal case
4 or cases due to the failure of a district attorney to prosecute such criminal case or cases; to
5 provide for motions and hearings regarding such expenses; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
10 general provisions relative to prosecuting attorneys, is amended by adding a new Code
11 section to read as follows:

12 "15-18-12.1.

13 (a) When the Attorney General prosecutes a criminal case or cases due to a district
14 attorney's refusal to do so and obtains a guilty plea or pleas or guilty verdict or verdicts, the
15 Department of Law may request reimbursement of actual travel expenses incurred and the
16 actual cost of the time spent by the Attorney General and any assistant in the prosecution

17 of such criminal case or cases from those funds made available to the district attorney's
18 office that failed to prosecute such criminal case or cases. Such requests shall be made by
19 motion filed with the judge before whom the prosecution occurred within 15 days of the
20 plea or verdict.

21 (b) Within 15 days of the filing of a motion pursuant to subsection (a) of this Code section,
22 the judge shall hold a hearing to determine whether the district attorney failed to perform
23 his or her official duties, and upon such a finding shall hear evidence as to the expenses and
24 costs incurred by the Department of Law and award all reasonable expenses and costs to
25 the Department of Law."

26 **SECTION 2.**

27 All laws and parts of laws in conflict with this Act are repealed.