

Senate Bill 605

By: Senators Cowsert of the 46th, Dolezal of the 27th and Gooch of the 51st

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 regarding prosecuting attorneys, so as to provide for additional
3 grounds for discipline of a district attorney or solicitor-general or for his or her removal or
4 involuntary retirement from office; to provide for an effective date and applicability; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding prosecuting attorneys, is amended by revising subsection (h)
10 of Code Section 15-18-32, relating to Prosecuting Attorneys Qualifications Commission,
11 authority, membership, ex parte communications, governance, disciplinary actions,
12 confidentiality, and privileged nature, as follows:

13 "(h) The following shall be grounds for discipline of a district attorney or solicitor-general
14 or for his or her removal or involuntary retirement from office:

15 (1) Mental or physical incapacity interfering with the performance of his or her duties
16 which is, or is likely to become, permanent;

- 17 (2) Willful misconduct in office;
- 18 (3) With respect to district attorneys, willful and persistent failure to carry out duties
19 pursuant to Code Section 15-18-6;
- 20 (4) With respect to solicitors-general, willful and persistent failure to carry out duties
21 pursuant to Code Section 15-18-66;
- 22 (5) Conviction of a crime involving moral turpitude;
- 23 (6) Conduct prejudicial to the administration of justice which brings the office into
24 disrepute; ~~or~~
- 25 (7) Failure to strictly comply with the 'Crime Victims' Bill of Rights' set forth in Chapter
26 17 of Title 17;
- 27 (8) Failure to strictly comply with Article 4 of Chapter 18 of Title 50, relating to
28 inspection of public records;
- 29 (9) Failure to exercise impartiality in prosecutions;
- 30 (10) Failure to strictly comply with Chapter 16 of Title 17, relating to discovery in
31 criminal procedure;
- 32 (11) Failure to strictly comply with the Georgia Rules of Professional Conduct of the
33 State Bar of Georgia; specifically, but not limited to, Rule 3.8 related to special
34 responsibilities of a prosecutor; or
- 35 (12) Knowingly authorizing or permitting an assistant district attorney or assistant
36 solicitor-general to commit any act constituting grounds for removal under paragraphs (1)
37 through ~~(6)~~ (11) of this subsection."

38 **SECTION 2.**

39 This Act shall become effective upon its approval by the Governor or upon its becoming law
40 without such approval and shall apply to all disciplinary proceedings initiated on or after
41 such date.

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SECTION 3.

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