

The Senate Special Committee on Investigations offered the following substitute to SB 605:

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 make reasonable efforts to strictly comply with the 'Crime Victims' Bill of
26 Rights' set forth in Chapter 17 of Title 17;
- 27 (8) Failure to make reasonable efforts to comply with Article 4 of Chapter 18 of Title 50,
28 relating to inspection of public records;
- 29 (9) Knowingly authorizing or making a decision based upon any of the factors outlined
30 in paragraph (2) of subsection (i) of this Code section;
- 31 (10) Failure to make reasonable efforts to comply with Chapter 16 of Title 17, relating
32 to discovery in criminal procedure;
- 33 (11) Failure to make reasonable efforts to comply with the Georgia Rules of Professional
34 Conduct of the State Bar of Georgia; specifically, but not limited to, Rule 3.8 related to
35 special responsibilities of a prosecutor; or
- 36 (12) Knowingly authorizing or permitting an assistant district attorney or assistant
37 solicitor-general to commit any act constituting grounds for removal under paragraphs (1)
38 through (6) (11) of this subsection."

39 **SECTION 2.**

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

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SECTION 3.

44 All laws and parts of laws in conflict with this Act are repealed.