

The Senate Special Committee on Investigations offered the following substitute to SB 604:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding prosecuting attorneys, so as to give the Attorney
3 General, in certain circumstances, the option of being appointed in the place of a disqualified
4 district attorney prior to any other potential appointee; to amend Chapter 1 of Title 16 of the
5 Official Code of Georgia Annotated, relating to general provisions regarding crimes and
6 offenses, so as to allow for a district attorney to request the assistance of the Attorney
7 General in the prosecution of certain offenses and violations; to provide for related matters;
8 to provide for an effective date and applicability; to repeal conflicting laws; and for other
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 1 of Chapter 18 Title 15 of the Official Code of Georgia Annotated, relating to
13 general provisions regarding prosecuting attorneys, is amended in Code Section 15-18-5,
14 relating to appointment of substitute for absent or disqualified district attorney, by revising
15 subsection (a) as follows:

"(a) When a district attorney's office is disqualified from interest or relationship to engage in a prosecution, the district attorney shall notify the executive director of the Prosecuting Attorneys' Council of the State of Georgia of the disqualification. Upon receipt of such notification, the executive director of the Prosecuting Attorneys' Council of the State of Georgia shall:

(1) Request the services of and thereafter appoint a district attorney, a solicitor-general, a retired prosecuting attorney as provided in Code Section 15-18-30, or an attorney employed by the Department of Law; provided, however, that, for any offense or violation provided for in Code Section 16-1-13, the executive director shall first notify the Attorney General of the disqualification of a district attorney and shall give the Attorney General the option of having the Attorney General or an attorney employed by the Department of Law appointed to engage in a prosecution prior to any other attorney provided for in this Code section;

(2) Designate an attorney from the Prosecuting Attorneys' Council of the State of Georgia; or

(3) Appoint a competent attorney to act as district attorney pro tempore in place of the district attorney."

SECTION 2.

Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions regarding crimes and offenses, is amended by adding a new Code section to read as follows:

"16-1-13.

Notwithstanding any other provision of this title to the contrary, a district attorney may request the assistance of the Attorney General in the prosecution of:

(1) Murder or felony murder, as defined in Code Section 16-5-1;

(2) Armed robbery, as defined in Code Section 16-8-41;

- 42 (3) Kidnapping, as defined in Code Section 16-5-40;
43 (4) Rape, as defined in Code Section 16-6-1;
44 (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4,
45 unless subject to the provisions of paragraph (2) of subsection (d) of Code Section
46 16-6-4;
47 (6) Aggravated sodomy, as defined in Code Section 16-6-2;
48 (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2;
49 (8) Violation of Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs,
50 marijuana, or methamphetamine and penalties;
51 (9) Violation of an offense in Article 5 of Chapter 11 of this title, relating to offenses
52 involving illegal aliens; or
53 (10) Violation of an offense in Chapter 14 of this title, relating to racketeering influenced
54 and corrupt organizations."

55 **SECTION 3.**

56 This Act shall become effective upon its approval by the Governor or upon its becoming law
57 without such approval and shall apply to all prosecutions initiated on or after such date.

58 **SECTION 4.**

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