

House Bill 328 (AS PASSED HOUSE AND SENATE)

By: Representatives Efstration of the 104th, Coomer of the 14th, Nimmer of the 178th, Dickey of the 140th, Golick of the 40th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 2 of Article 15 of Chapter 1 of Title 10, Code Sections 17-10-7 and 42-9-45,
 2 Chapter 1 of Title 43, and Code Section 49-4-15 of the Official Code of Georgia Annotated,
 3 relating to the "Fair Business Practices Act of 1975," repeat offenders and the State Board
 4 of Pardons and Paroles general rule-making authority, general provisions for professions and
 5 businesses, and fraud in obtaining public assistance, food stamps, or Medicaid, respectively,
 6 so as to enact reforms recommended by the Georgia Council on Criminal Justice Reform
 7 involving adult offenders; to provide greater employment opportunities for individuals who
 8 have had interaction with the criminal justice system; to provide protection to consumers
 9 relating to consumer reports in connection with employment and licensing; to provide for
 10 definitions; to change provisions relating to certain inmates' parole eligibility; to provide for
 11 probationary licenses under certain conditions; to change provisions relating to the
 12 misdemeanor and felony threshold in certain fraud cases; to amend Title 15 of the Official
 13 Code of Georgia Annotated, relating to courts, so as to create the Council of Accountability
 14 Court Judges of Georgia; to provide for membership, duties, and responsibilities; to change
 15 responsibilities of drug court divisions, mental health court divisions, and veterans court
 16 divisions from the Judicial Council of Georgia to the Council of Accountability Court Judges
 17 of Georgia; to amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
 18 relating to general provisions for payment and disposition of fines and forfeitures, so as to
 19 provide for the collection of moneys owed to a court; to amend Chapter 12 of Title 17 of the
 20 Official Code of Georgia Annotated, relating to legal defense for indigents, so as to change
 21 the name of the Georgia Public Defender Standards Council; to remove all references to
 22 standards within the chapter; to remove mandatory provisions and make them discretionary;
 23 to change provisions relating to the qualifications of the director; to revise the director's
 24 powers and authority; to require fewer council and legislative oversight meetings; to limit
 25 disclosure of information only upon request; to repeal provisions requiring the council to
 26 approve programs for the representation of indigent persons; to change provisions relating
 27 to appeals in alternative delivery systems; to amend Title 15 and Code Sections 35-6A-3 and
 28 36-32-1 of the Official Code of Georgia Annotated, relating to courts, membership on the

29 Criminal Justice Coordinating Council, and establishment of municipal courts, respectively,
 30 so as to correct cross-references; to provide for related matters; to provide for an effective
 31 date and applicability; to repeal conflicting laws; and for other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **PART I**

34 **SECTION 1-1.**

35 Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the
 36 "Fair Business Practices Act of 1975," is amended by adding a new Code section to read as
 37 follows:

38 "10-1-393.14.

39 (a) As used in this Code section, the term:

40 (1) 'Adverse effect' means:

41 (A) A denial of employment;

42 (B) Any other decision for employment purposes that negatively affects any current
 43 or prospective employee; or

44 (C) A denial or cancellation of, an increase in any charge for, or any other adverse or
 45 unfavorable change in the terms of any license.

46 (2) 'Consumer report' means any written, oral, or other communication of any
 47 information bearing on a consumer's credit worthiness, credit standing, credit capacity,
 48 character, general reputation, personal characteristics, or mode of living which is used or
 49 expected to be used or collected in whole or in part for the purpose of serving as a factor
 50 in establishing the consumer's eligibility for purposes of credit, insurance, or
 51 employment.

52 (3) 'Consumer reporting agency' means any person or entity which, for monetary fees or
 53 dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the
 54 practice of assembling or evaluating consumer credit information or other information
 55 on consumers for the purpose of furnishing consumer reports to third parties.

56 (4) 'Employment purposes' means used for the purpose of evaluating a consumer for
 57 employment, promotion, reassignment, retention as an employee, or licensing.

58 (b) A consumer reporting agency which furnishes a consumer report for employment
 59 purposes and which for that purpose compiles and reports items of information on
 60 consumers which are matters of public record and are likely to have an adverse effect upon
 61 a consumer's ability to obtain employment shall:

62 (1) At the time such public record information is reported to the user of such consumer
 63 report, notify the consumer of the fact that public record information is being reported by
 64 the consumer reporting agency, together with the name and address of the person to
 65 whom such information is being reported; or

66 (2) Maintain strict procedures designed to ensure that whenever public record
 67 information which is likely to have an adverse effect on a consumer's ability to obtain
 68 employment is reported it is complete and up to date. For purposes of this paragraph,
 69 items of public record relating to arrests, indictments, and convictions shall be considered
 70 up to date if the current public record status of the item at the time of the report is
 71 reported.

72 (c) A consumer reporting agency shall be considered to be conducting business in this state
 73 if it provides information to any individual, partnership, corporation, association, or any
 74 other group however organized that is domiciled within this state or whose principal place
 75 of business is within this state.

76 (d) A consumer reporting agency that provides a consumer report for employment
 77 purposes that is in compliance with the federal Fair Credit Reporting Act in existence on
 78 March 11, 2015, shall be deemed to have complied with this Code section."

79 **PART II**

80 **SECTION 2-1.**

81 Code Section 17-10-7 of the Official Code of Georgia Annotated, relating to punishment of
 82 repeat offenders, is amended by revising subsection (c) as follows:

83 "(c) Except as otherwise provided in subsection (b) or (b.1) of this Code section and
 84 subsection (b) of Code Section 42-9-45, any person who, after having been convicted under
 85 the laws of this state for three felonies or having been convicted under the laws of any other
 86 state or of the United States of three crimes which if committed within this state would be
 87 felonies, commits a felony within this state shall, upon conviction for such fourth offense
 88 or for subsequent offenses, serve the maximum time provided in the sentence of the judge
 89 based upon such conviction and shall not be eligible for parole until the maximum sentence
 90 has been served."

91 **SECTION 2-2.**

92 Code Section 42-9-45 of the Official Code of Georgia Annotated, relating to the State Board
 93 of Pardons and Paroles general rule-making authority, is amended by revising subsection (b)
 94 as follows:

95 "(b)(1) An inmate serving a misdemeanor sentence or misdemeanor sentences shall only
 96 be eligible for consideration for parole after the expiration of six months of his or her
 97 sentence or sentences or one-third of the time of his or her sentence or sentences,
 98 whichever is greater.

99 (2) Except as otherwise provided in Code Sections 17-10-6.1 and 17-10-7 and
 100 paragraph (3) of this subsection, an inmate serving a felony sentence or felony sentences
 101 shall only be eligible for consideration for parole after the expiration of nine months of
 102 his or her sentence or one-third of the time of the sentences, whichever is greater. Except
 103 as otherwise provided in Code Sections 17-10-6.1 and 17-10-7 and paragraph (3) of this
 104 subsection, inmates serving sentences aggregating 21 years or more shall become eligible
 105 for consideration for parole upon completion of the service of seven years.

106 (3) When an inmate was sentenced pursuant to subsection (d) of Code Section 16-13-30
 107 and subsection (c) of Code Section 17-10-7 to a term of at least 12 years and up to a life
 108 sentence, he or she may become eligible for consideration for parole if he or she:

109 (A) Has never been convicted of:

110 (i) A serious violent felony as such term is defined in Code Section 17-10-6.1;

111 (ii) An offense for which he or she was or could have been required to register
 112 pursuant to Code Section 42-1-12; provided, however, that this paragraph shall not
 113 apply to any felony that became punishable as a misdemeanor on or after July 1,
 114 2006;

115 (iii) A violation of paragraph (1) or (2) of subsection (b) of Code Section 16-5-21;

116 (iv) A violation of Code Section 16-11-106; and

117 (v) A violation of Code Section 16-11-131;

118 (B) Has completed at least 12 years of his or her sentence;

119 (C) Has obtained a low-risk for recidivism rating as determined by a validated risk
 120 assessment instrument approved by the Department of Corrections;

121 (D) Has been classified as a medium or less than medium security risk for institutional
 122 housing classification purposes by the Department of Corrections;

123 (E) Has completed all criminogenic programming requirements as determined by a
 124 validated risk assessment instrument approved by the Department of Corrections;

125 (F) In the 12 months preceding consideration, has not been found guilty of any serious
 126 disciplinary infractions; and

127 (G) Has a high school diploma or general educational development (GED) diploma,
 128 unless he or she is unable to obtain such educational achievement due to a learning
 129 disability or illiteracy. If the inmate is incapable of obtaining such education, he or she
 130 shall have completed a job skills training program, a literacy program, an adult basic
 131 education program, or a faith based program."

132 **PART III**

133 **SECTION 3-1.**

134 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general
 135 provisions for professions and businesses, is amended by adding a new subsection to Code
 136 Section 43-1-19, relating to grounds for refusing to grant or revoking licenses, to read as
 137 follows:

138 "(p)(1) Notwithstanding any other provision of this Code section or title, when an
 139 applicant submits his or her application for licensure or renewal, together with proof of
 140 completion of a drug court division program, as set forth in Code Section 15-1-15, a
 141 board shall issue the applicant a probationary license under the terms and conditions
 142 deemed appropriate by such board.

143 (2) Paragraph (1) of this subsection shall not supersede a board's consideration of an
 144 applicant's other prior criminal history or arrests or convictions that occur subsequent to
 145 completion of a drug court division program."

146 **PART IV**

147 **SECTION 4-1.**

148 Code Section 49-4-15 of the Official Code of Georgia Annotated, relating to fraud in
 149 obtaining public assistance, food stamps, or Medicaid, is amended by revising subsection (a)
 150 as follows:

151 "(a) Any person who by means of a false statement, failure to disclose information, or
 152 impersonation, or by other fraudulent device, obtains or attempts to obtain, or any person
 153 who knowingly or intentionally aids or abets such person in the obtaining or attempting to
 154 obtain:

155 (1) Any grant or payment of public assistance, food stamps, or medical assistance
 156 (Medicaid) to which he or she is not entitled;

157 (2) A larger amount of public assistance, food stamp allotment, or medical assistance
 158 (Medicaid) than that to which he or she is entitled; or

159 (3) Payment of any forfeited grant of public assistance;

160 or any person who, with intent to defraud the department, aids or abets in the buying or in
 161 any way disposing of the real property of a recipient of public assistance shall be guilty of
 162 a misdemeanor unless the total amount of the value of public assistance, food stamps, and
 163 medical assistance (Medicaid) so obtained exceeds ~~\$500.00~~ \$1,500.00, in which event such
 164 person shall be guilty of a felony and, upon conviction thereof, shall be punished by
 165 imprisonment for not less than one nor more than five years. In determining the amount

166 of value of public assistance, food stamps, and medical assistance (Medicaid) obtained by
 167 false statement, failure to disclose information, or impersonation, or other fraudulent
 168 device, the total amount obtained during any uninterrupted period of time shall be treated
 169 as one continuing offense."

170 **PART V**

171 **SECTION 5-1.**

172 Title 15 of the Official Code of Georgia Annotated is amended by revising Code Section
 173 15-1-15, relating to drug court divisions, by revising paragraphs (4) and (10) of subsection
 174 (a) as follows:

175 ~~"(4)(A) The On or before January 1, 2013, the Judicial Council of Accountability Court~~
 176 ~~Judges of Georgia~~ shall establish standards and practices for drug court divisions taking
 177 into consideration guidelines and principles based on current research and findings
 178 published by the National Drug Court Institute and the Substance Abuse and Mental
 179 Health Services Administration, relating to practices shown to reduce recidivism of
 180 offenders with drug abuse problems. Standards and practices shall include, but shall
 181 not be limited to, the use of a risk and needs assessment to identify the likelihood of
 182 recidivating and identify the needs that, when met, reduce recidivism. The ~~Judicial~~
 183 ~~Council of Accountability Court Judges of Georgia~~ shall update its standards and
 184 practices to incorporate research, findings, and developments in the drug court field.
 185 Each drug court division shall adopt policies and practices that are consistent with the
 186 standards and practices published by the ~~Judicial~~ Council of Accountability Court
 187 Judges of Georgia.

188 (B) ~~The On and after January 1, 2013, the Judicial Council of Accountability Court~~
 189 ~~Judges of Georgia~~ shall provide technical assistance to drug court divisions to assist
 190 them with the implementation of policies and practices, including, but not limited to,
 191 guidance on the implementation of risk and needs assessments in drug court divisions.

192 (C) ~~The On or before July 1, 2013, the Judicial Council of Accountability Court Judges~~
 193 ~~of Georgia~~ shall create and manage a certification and peer review process to ensure
 194 drug court divisions are adhering to the ~~Judicial~~ Council of Accountability Court Judges
 195 of Georgia's standards and practices and shall create a waiver process for drug court
 196 divisions to seek an exception to the ~~Judicial~~ Council of Accountability Court Judges
 197 of Georgia's standards and practices. In order to receive state appropriated funds, any
 198 drug court division established on and after July 1, 2013, shall be certified pursuant to
 199 this subparagraph or, for good cause shown to the ~~Judicial~~ Council of Accountability

200 Court Judges of Georgia, shall receive a waiver from the ~~Judicial~~ Council of
 201 Accountability Court Judges of Georgia.

202 (D) On and after July 1, 2013, the award of any state funds for a drug court division
 203 shall be conditioned upon a drug court division attaining certification or a waiver by the
 204 ~~Judicial~~ Council of Accountability Court Judges of Georgia. On or before September
 205 1, the ~~Judicial~~ Council of Accountability Court Judges of Georgia shall publish an
 206 annual report listing certified drug court divisions.

207 (E) The Council of Accountability Court Judges of Georgia and the Georgia Council
 208 on Criminal Justice Reform Pursuant to Code Section 15-5-24, the ~~Administrative~~
 209 ~~Office of the Courts~~ shall develop and manage an electronic information system for
 210 performance measurement and accept submission of performance data in a consistent
 211 format from all drug court divisions. The ~~Judicial~~ Council of Accountability Court
 212 Judges of Georgia shall identify elements necessary for performance measurement,
 213 including, but not limited to, recidivism, the number of moderate-risk and high-risk
 214 participants in a drug court division, drug testing results, drug testing failures,
 215 participant employment, the number of participants who successfully complete the
 216 program, and the number of participants who fail to complete the program.

217 (F) On or before July 1, 2015, and every three years thereafter, the ~~Judicial~~ Council of
 218 Accountability Court Judges of Georgia shall conduct a performance peer review of the
 219 drug court divisions for the purpose of improving drug court division policies and
 220 practices and the certification and recertification process."

221 "(10) As used in this Code section, the term 'risk and needs assessment' means an
 222 actuarial tool, approved by the ~~Judicial~~ Council of Accountability Court Judges of
 223 Georgia and validated on a targeted population, scientifically proven to determine a
 224 person's risk to recidivate and to identify criminal risk factors that, when properly
 225 addressed, can reduce that person's likelihood of committing future criminal behavior."

226 **SECTION 5-2.**

227 Said title is further amended by revising paragraphs (4) and (10) of subsection (b) of Code
 228 Section 15-1-16, relating to mental health court divisions, as follows:

229 "(4)(A) ~~The On or before January 1, 2013, the~~ ~~Judicial~~ Council of Accountability Court
 230 Judges of Georgia shall establish standards and practices for mental health court
 231 divisions taking into consideration guidelines and principles based on current research
 232 and findings published by expert organizations, including, but not limited to, the United
 233 States Substance Abuse and Mental Health Services Administration, the Council of
 234 State Governments Consensus Project, and the National GAINS Center, relating to
 235 practices shown to reduce recidivism of offenders with mental illness or developmental

236 disabilities. Standards and practices shall include, but shall not be limited to, the use
237 of a risk and needs assessment to identify the likelihood of recidivating and identify the
238 needs that, when met, reduce recidivism. The ~~Judicial~~ Council of Accountability Court
239 Judges of Georgia shall update its standards and practices to incorporate research,
240 findings, and developments in the mental health court field. Each mental health court
241 division shall adopt policies and practices that are consistent with the standards and
242 practices published by the ~~Judicial~~ Council of Accountability Court Judges of Georgia.

243 (B) ~~The On and after January 1, 2013, the~~ ~~Judicial~~ Council of Accountability Court
244 Judges of Georgia shall provide technical assistance to mental health court divisions to
245 assist them with the implementation of policies and practices, including, but not limited
246 to, guidance on the implementation of risk and needs assessments in mental health court
247 divisions.

248 (C) ~~The On or before July 1, 2013, the~~ ~~Judicial~~ Council of Accountability Court Judges
249 of Georgia shall create and manage a certification and peer review process to ensure
250 mental health court divisions are adhering to the ~~Judicial~~ Council of Accountability
251 Court Judges of Georgia's standards and practices and shall create a waiver process for
252 mental health court divisions to seek an exception to the ~~Judicial~~ Council of
253 Accountability Court Judges of Georgia's standards and practices. In order to receive
254 state appropriated funds, any mental health court division established on and after July
255 1, 2013, shall be certified pursuant to this subparagraph or, for good cause shown to the
256 ~~Judicial~~ Council of Accountability Court Judges of Georgia, shall receive a waiver from
257 the ~~Judicial~~ Council of Accountability Court Judges of Georgia.

258 (D) On and after July 1, 2013, the award of any state funds for a mental health court
259 division shall be conditioned upon a mental health court division attaining certification
260 or a waiver by the ~~Judicial~~ Council of Accountability Court Judges of Georgia. On or
261 before September 1, the ~~Judicial~~ Council of Accountability Court Judges of Georgia
262 shall publish an annual report listing of certified mental health court divisions.

263 (E) Pursuant to Code Section 15-5-24, the Administrative Office of the Courts shall
264 develop and manage an electronic information system for performance measurement and
265 accept submission of performance data in a consistent format from all mental health
266 court divisions. The ~~Judicial~~ Council of Accountability Court Judges of Georgia shall
267 identify elements necessary for performance measurement, including, but not limited to,
268 recidivism, the number of moderate-risk and high-risk participants in a mental health
269 court division, drug testing results, drug testing failures, the number of participants who
270 successfully complete the program, and the number of participants who fail to complete
271 the program.

272 (F) On or before July 1, 2015, and every three years thereafter, the ~~Judicial~~ Council of
 273 Accountability Court Judges of Georgia shall conduct a performance peer review of the
 274 mental health court divisions for the purpose of improving mental health court division
 275 policy and practices and the certification and recertification process."

276 "(10) As used in this Code section, the term 'risk and needs assessment' means an actuarial
 277 tool, approved by the ~~Judicial~~ Council of Accountability Court Judges of Georgia and
 278 validated on a targeted population, scientifically proven to determine a person's risk to
 279 recidivate and to identify criminal risk factors that, when properly addressed, can reduce
 280 that person's likelihood of committing future criminal behavior."

281 **SECTION 5-3.**

282 Said title is further amended by revising paragraph (4) of subsection (b) of Code Section
 283 15-1-17, relating to veterans court divisions, as follows:

284 "(4) The ~~Judicial~~ Council of Accountability Court Judges of Georgia shall adopt standards
 285 and practices for veterans court divisions, taking into consideration guidelines and
 286 principles based on available current research and findings published by experts on
 287 veterans' health needs and treatment options, including, but not limited to, the VA and the
 288 Georgia Department of Veterans Service. The ~~Judicial~~ Council of Accountability Court
 289 Judges of Georgia shall update its standards and practices to incorporate research,
 290 findings, and developments in the veterans court field if any such research, findings, or
 291 developments are created. Each veterans court division shall adopt policies and practices
 292 that will be consistent with any standards and practices published by the ~~Judicial~~ Council
 293 of Accountability Court Judges of Georgia. Such standards and practices shall serve as
 294 a flexible framework for developing effective veterans court divisions and provide a
 295 structure for conducting research and evaluation for accountability. Such standards and
 296 practices are not intended to be a certification or regulatory checklist."

297 **SECTION 5-4.**

298 Said title is further amended by adding a new Code section to read as follows:

299 "15-1-18.

300 (a) As used in this Code section, the term:

301 (1) 'Accountability court' means a drug court division, mental health court division, or
 302 veterans court division.

303 (2) 'Council' means the Council of Accountability Court Judges of Georgia.

304 (b) There is created an accountability court judges' council to be known as the 'Council of
 305 Accountability Court Judges of Georgia.' Such council shall be composed of the judges,
 306 senior judges, and judges emeriti of the accountability courts of this state.

307 (c) The council shall be authorized to organize itself and to develop a constitution and
 308 bylaws. The council shall promulgate rules and regulations as it deems necessary. The
 309 council shall annually elect a chairperson from among its membership. The council may
 310 appoint such committees as it considers necessary to carry out its duties and responsibilities,
 311 including appointing judges serving in other courts to serve in an advisory capacity to the
 312 council.

313 (d) It shall be the purpose of the council to effectuate the constitutional and statutory
 314 responsibilities conferred upon it by law and to further the improvement of accountability
 315 courts, the quality and expertise of the judges thereof, and the administration of justice.

316 (e) Expenses of the administration of the council shall be paid from state funds appropriated
 317 for that purpose, from federal funds available to the council for such purpose, or from other
 318 appropriate sources. The council shall be authorized to accept and use gifts, grants, and
 319 donations for the purposes of carrying out this Code section. The council shall be
 320 authorized to accept and use property, both real and personal, and services for the purposes
 321 of carrying out this Code section.

322 (f) The Criminal Justice Coordinating Council shall provide technical services to the
 323 council and shall assist the council in complying with all its legal requirements.

324 (g) The Administrative Office of the Courts shall provide the council with office space and
 325 administrative support, including staff for record keeping, reporting, and related
 326 administrative and clerical functions.

327 (h) Appropriations to the Administrative Office of the Courts for functions transferred to
 328 the Criminal Justice Coordinating Council pursuant to this Code section shall be transferred
 329 as provided in Code Section 45-12-90. Personnel previously employed by the
 330 Administrative Office of the Courts and equipment and facilities of the Administrative
 331 Office of the Courts shall likewise be transferred to the Criminal Justice Coordinating
 332 Council. Such transfers shall be as determined by the director of the Administrative Office
 333 of the Courts."

334 **PART VI**

335 **SECTION 6-1.**

336 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to general
 337 provisions for payment and disposition of fines and forfeitures, is amended by revising Code
 338 Section 15-21-12, which was previously reserved, as follows:

339 "15-21-12.

340 ~~Reserved.~~

341 For the purpose of collecting any moneys owed to a court pursuant to a judgment and with
 342 the recommendation of such court, a local governing authority may contract with any person

343 doing business within or outside this state for the collection of moneys owed to such court;
 344 provided, however, that a local governing authority shall not enter into such contract for the
 345 collection of moneys owed as a result of a court order sentencing a defendant to a
 346 probationary sentence or placing a defendant under probationary supervision solely because
 347 such defendant is unable to pay the court imposed fines and statutory surcharges when such
 348 defendant's sentence is imposed."

349 **PART VII**

350 **SECTION 7-1.**

351 Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense
 352 for indigents, is amended by revising subsection (b) of Code Section 17-12-1, relating to the
 353 Georgia Public Defender Standards Council, as follows:

354 "(b) The Georgia Public Defender ~~Standards~~ Council shall be an independent agency within
 355 the executive branch of state government."

356 **SECTION 7-2.**

357 Said chapter is further amended by revising paragraphs (4), (5), and (7) of Code Section
 358 17-12-2, relating to definitions, as follows:

359 "(4) 'Council' means the Georgia Public Defender ~~Standards~~ Council.

360 (5) 'Director' means the director of the Georgia Public Defender ~~Standards~~ Council."

361 "(7) 'Legislative oversight committee' means the Legislative Oversight Committee for the
 362 Georgia Public Defender ~~Standards~~ Council."

363 **SECTION 7-3.**

364 Said chapter is further amended by revising subsections (a) and (e) of Code Section 17-12-3,
 365 relating to the creation of the council, as follows:

366 "(a) There is created the Georgia Public Defender ~~Standards~~ Council to be composed of
 367 nine members. Other than county commission members, members of the council shall be
 368 individuals with significant experience working in the criminal justice system or who have
 369 demonstrated a strong commitment to the provision of adequate and effective representation
 370 of indigent defendants."

371 "(e) In making the appointments of members of the council who are not county
 372 commissioners, the appointing authorities shall seek to identify and appoint persons who
 373 represent a diversity of backgrounds and experience and ~~shall~~ may solicit suggestions from
 374 the State Bar of Georgia, local bar associations, the Georgia Association of Criminal
 375 Defense Lawyers, the councils representing the various categories of state court judges in

376 Georgia, and the Prosecuting Attorneys' Council of the State of Georgia, as well as from the
 377 public and other interested organizations and individuals within this state. The appointing
 378 authorities may solicit recommendations for county commissioners from the Association
 379 County Commissioners of Georgia. The appointing authorities shall not appoint a
 380 prosecuting attorney as defined in paragraph (6) of Code Section 19-13-51, any employee
 381 of a prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of
 382 the State of Georgia to serve on the council."

383 **SECTION 7-4.**

384 Said chapter is further amended by revising Code Section 17-12-5, relating to the director,
 385 qualifications, selection, salary, and responsibilities, as follows:

386 "17-12-5.

387 (a) To be eligible for appointment as the director, a candidate shall be a member in good
 388 standing of the State Bar of Georgia with at least seven years' experience in the practice of
 389 law. ~~The director shall be selected on the basis of training and experience and such other~~
 390 ~~qualifications as the council deems appropriate.~~ The director shall be appointed by the
 391 Governor and shall serve at the pleasure of the Governor.

392 (b)(1) The director shall work with and provide support services and programs for circuit
 393 public defender offices and other attorneys representing indigent persons in criminal or
 394 juvenile cases in order to improve the quality and effectiveness of legal representation of
 395 such persons and otherwise fulfill the purposes of this chapter. Such services and
 396 programs shall include, but shall not be limited to, technical, research, and administrative
 397 assistance; educational and training programs for attorneys, investigators, and other staff;
 398 assistance with the representation of indigent defendants with mental disabilities;
 399 assistance with the representation of juveniles; assistance with death penalty cases; and
 400 assistance with appellate advocacy.

401 (2) The director may establish divisions within the office to administer the services and
 402 programs as may be necessary to fulfill the purposes of this chapter. The director shall
 403 establish a mental health advocacy division and the Georgia capital defender division.

404 (3) The director may hire and supervise such staff employees and may contract with
 405 outside consultants on behalf of the office as may be necessary to provide the services
 406 contemplated by this chapter.

407 (c) The director shall have and may exercise the following power and authority:

408 (1) The power and authority to take or cause to be taken any or all action necessary to
 409 ~~perform any indigent defense services or otherwise necessary to perform any duties,~~
 410 responsibilities, or functions which the director is authorized by law to perform and to

411 exercise any power or authority which the council is authorized under subsection (a) of
 412 Code Section 17-12-4 to exercise; and
 413 ~~(2) The power and authority to enforce or otherwise require compliance with any and all~~
 414 ~~rules, regulations, procedures, or directives necessary to perform any indigent defense~~
 415 ~~services; to carry into effect the minimum standards and policies promulgated by the~~
 416 ~~council; and to perform any duties, responsibilities, or functions which the council is~~
 417 ~~authorized under subsection (a) of Code Section 17-12-4 to perform or to exercise; and~~
 418 ~~(3)~~(2) The power and authority to assist the council in the performance of its duties,
 419 responsibilities, and functions and the exercise of its power and authority.

420 (d) The director shall:

421 (1) Prepare and submit to the council a proposed budget for the council. The director
 422 shall also prepare and submit an annual report containing pertinent data on the operations,
 423 costs, and needs of the council and such other information as the council may require;

424 (2) Develop such ~~rules, procedures, and regulations~~ as the director determines may be
 425 necessary to carry out the provisions of this chapter ~~and submit these to the council for~~
 426 ~~approval and comply with all applicable laws, standards, and regulations;~~

427 (3) Administer and coordinate the operations of the council ~~and supervise compliance~~
 428 ~~with policies and standards adopted by the council;~~

429 (4) Maintain proper records of all financial transactions related to the operation of the
 430 council;

431 (5) At the director's discretion, solicit and accept on behalf of the council any funds that
 432 may become available from any source, including government, nonprofit, or private
 433 grants, gifts, or bequests;

434 (6) Coordinate the services of the council with any federal, county, or private programs
 435 established to provide assistance to indigent persons in cases subject to this chapter ~~and~~
 436 ~~consult with professional bodies concerning the implementation and improvement of~~
 437 ~~programs for providing indigent services;~~

438 (7) Provide for the training of attorneys and other staff involved in the legal representation
 439 of persons subject to this chapter;

440 (8) Attend all council meetings, except those meetings or portions thereof that address the
 441 question of appointment or removal of the director;

442 (9) Ensure that the expenditures of the council are not greater than the amounts budgeted
 443 or available from other revenue sources;

444 (10) Hire or remove a mental health advocate who shall serve as director of the division
 445 of the office of mental health advocacy;

446 (11) Hire or remove the capital defender who shall serve as the director of the division
 447 of the office of the Georgia capital defender; and

448 (12) Evaluate each circuit public defender's job performance.

449 (e) The director shall not:

450 (1) Provide direct legal representation to any person entitled to services pursuant to this
 451 chapter; and

452 (2) Engage in the private practice of law for profit."

453 **SECTION 7-5.**

454 Said chapter is further amended by revising Code Section 17-12-6, relating to assistance of
 455 council to public defenders, as follows:

456 "17-12-6.

457 (a) The council ~~shall~~ may assist the public defenders throughout the state in their efforts to
 458 provide adequate legal defense to the indigent. Assistance may include:

459 (1) The preparation and distribution of a basic defense manual and other educational
 460 materials;

461 (2) The preparation and distribution of model forms and documents employed in indigent
 462 defense;

463 (3) The promotion of and assistance in the training of indigent defense attorneys;

464 (4) The provision of legal research assistance to public defenders; and

465 (5) The provision of such other assistance to public defenders as may be authorized by
 466 law.

467 (b) The council:

468 (1) Shall be the fiscal officer for the circuit public defender offices and shall account for
 469 all moneys received from each governing authority; and

470 (2) May ~~Shall~~ collect, maintain, review, and publish in print or electronically records and
 471 statistics for the purpose of evaluating the delivery of indigent defense representation in
 472 Georgia."

473 **SECTION 7-6.**

474 Said chapter is further amended by revising subsection (e) of Code Section 17-12-7, relating
 475 to councilmembers and meetings, as follows:

476 "(e) The council shall meet at least ~~quarterly~~ semiannually and at such other times and
 477 places as it deems necessary or convenient for the performance of its duties."

478 **SECTION 7-7.**

479 Said chapter is further amended by revising Code Section 17-12-8, relating to the approval
 480 by the council of programs for representation of indigent persons, as follows:

481 "17-12-8.

482 Reserved.

483 ~~(a) The council shall approve the development and improvement of programs which~~
484 ~~provide legal representation to indigent persons and juveniles.~~

485 ~~(b) The council shall approve and implement programs, services, policies, and standards~~
486 ~~as may be necessary to fulfill the purposes and provisions of this chapter and to comply with~~
487 ~~all applicable laws governing the rights of indigent persons accused of violations of criminal~~
488 ~~law.~~

489 ~~(c) All policies and standards that are promulgated by the council shall be publicly~~
490 ~~available for review and shall be posted on the council's website. Each policy and standard~~
491 ~~shall identify the date upon which such policy and standard took effect."~~

492 **SECTION 7-8.**

493 Said chapter is further amended by revising Code Section 17-12-10, relating to annual
494 reporting, as follows:

495 "17-12-10.

496 (a) Upon request, the ~~The~~ council shall prepare annually a report of its activities in order
497 to provide the General Assembly, the Governor, and the Supreme Court of Georgia with an
498 accurate description and accounting of the preceding year's expenditures and revenue,
499 including moneys received from cities and county governing authorities. ~~Such report shall~~
500 ~~include a three-year cost projection and anticipated revenues for all programs defined in the~~
501 ~~General Appropriations Act.~~

502 (b) Upon request, the ~~The~~ council shall provide to the General Assembly, the Governor, and
503 the Supreme Court of Georgia a detailed analysis of all grants and funds, whether public or
504 private, applied for or granted, together with how and in what manner the same are to be
505 utilized and expended.

506 (c) Upon request, the ~~The~~ director shall prepare annually a report in order to provide the
507 General Assembly, the Supreme Court, and the Governor with information on the council's
508 assessment of the delivery of indigent defense services, including, but not limited to, the
509 costs involved in operating each program and each governing authority's indigent person
510 verification system, methodology used, costs expended, and savings realized."

511 **SECTION 7-9.**

512 Said chapter is further amended by revising Code Section 17-12-10.1, relating to the creation
513 of the legislative oversight committee, as follows:

514 "17-12-10.1.

515 (a) There is created the Legislative Oversight Committee for the Georgia Public Defender
516 ~~Standards~~ Council which shall be composed of eight persons: three members of the House

517 of Representatives appointed by the Speaker of the House of Representatives, three
 518 members of the Senate appointed by the Senate Committee on Assignments or such person
 519 or entity as established by Senate rule, and one member of the House of Representatives and
 520 one member of the Senate appointed by the Governor. The members of such committee
 521 shall be selected within ten days after the convening of the General Assembly in each
 522 odd-numbered year and shall serve until their successors are appointed.

523 (b) The Speaker of the House of Representatives shall appoint a member of such committee
 524 to serve as chairperson, and the Senate Committee on Assignments or such person or entity
 525 as established by Senate rule shall appoint one member of the committee to serve as vice
 526 chairperson during each even-numbered year. The Senate Committee on Assignments or
 527 such person or entity as established by Senate rule shall appoint a member of such
 528 committee to serve as chairperson, and the Speaker of the House of Representatives shall
 529 appoint one member to serve as vice chairperson during each odd-numbered year. Such
 530 committee shall meet at least ~~three times~~ once each year and, upon the call of the
 531 chairperson, at such additional times as deemed necessary by the chairperson.

532 (c) It shall be the duty of such committee to review and evaluate:

- 533 (1) Information on new programs submitted by the council;
- 534 (2) Information on ~~rules, regulations, policies, and standards~~ proposed by the council;
- 535 (3) The strategic plans for the council;
- 536 (4) Program evaluation reports and budget recommendations of the council;
- 537 (5) The fiscal impact of fees and fines on counties;
- 538 (6) The reports submitted pursuant to Code Section 15-21A-7 in order to identify, among
 539 other things, opportunities to reduce or consolidate fees, fines, and surcharges; and
- 540 (7) Such other information or reports as deemed necessary by such committee.

541 (d) The council and director shall cooperate with such committee and provide such
 542 information or reports as requested by the committee for the performance of its functions.

543 (e) The council shall submit its budget estimate to the director of the Office of Planning and
 544 Budget in accordance with subsection (a) of Code Section 45-12-78.

545 ~~(f) The legislative oversight committee shall make an annual report of its activities and
 546 findings to the membership of the General Assembly, the Chief Justice of the Supreme
 547 Court, and the Governor within one week of the convening of each regular session of the
 548 General Assembly. The chairperson of such committee shall deliver written executive
 549 summaries of such report to the members of the General Assembly prior to the adoption of
 550 the General Appropriations Act each year.~~

551 ~~(g)~~(f) The members of such committee shall receive the allowances authorized for
 552 legislative members of legislative committees. The funds necessary to pay such allowances
 553 shall come from funds appropriated to the House of Representatives and the Senate.

554 ~~(h)~~(g) The legislative oversight committee shall be authorized to request that a performance
555 audit of the council be conducted."

556 **SECTION 7-10.**

557 Said chapter is further amended by revising subsection (d) of Code Section 17-12-20, relating
558 to the public defender selection panel, as follows:

559 "(d) A circuit public defender supervisory panel may convene at any time during its circuit
560 public defender's term of office and shall convene at least annually for purposes of
561 reviewing the circuit public defender's job performance and the performance of the circuit
562 public defender office. The director and circuit public defender shall be notified at least two
563 weeks in advance of the convening of the circuit public defender supervisory panel. The
564 circuit public defender shall be given the opportunity to appear before the circuit public
565 defender supervisory panel and present evidence and testimony. The chairperson shall
566 determine the agenda for the annual review process, but, at a minimum, such review shall
567 include ~~information collected pursuant to subsection (c) of Code Section 17-12-24,~~ usage
568 of state and local funding, expenditures, and budgeting matters. The chairperson shall make
569 an annual report on or before the thirtieth day of September of each year concerning the
570 circuit public defender supervisory panel's findings regarding the job performance of the
571 circuit public defender and his or her office to the director on a form provided to the panel
572 by the director. If at any time the circuit public defender supervisory panel finds that the
573 circuit public defender is performing in a less than satisfactory manner or finds information
574 of specific misconduct, the circuit public defender supervisory panel may by majority vote
575 of its members adopt a resolution seeking review of its findings and remonstrative action
576 by the director. Such resolution shall specify the reason for such request. All evidence
577 presented and the findings of the circuit public defender supervisory panel shall be
578 forwarded to the director within 15 days of the adoption of the resolution. The director shall
579 initiate action on the circuit public defender supervisory panel's resolution within 30 days
580 of receiving the resolution. The director shall notify the circuit public defender supervisory
581 panel, in writing, of any actions taken pursuant to submission of a resolution under this
582 subsection."

583 **SECTION 7-11.**

584 Said chapter is further amended by revising Code Section 17-12-36, relating to alternative
585 delivery systems, as follows:

586 "17-12-36.

587 (a) The council may permit a judicial circuit composed of a single county to continue in
588 effect an alternative delivery system to the one set forth in this article if:

- 589 (1) The delivery system:
- 590 (A) Has a full-time director and staff and had been fully operational for at least two
- 591 years on July 1, 2003; or
- 592 (B) Is administered by the county administrative office of the courts or the office of the
- 593 court administrator of the superior court and had been fully operational for at least two
- 594 years on July 1, 2003;
- 595 (2) The council, by majority vote of the entire council, determines that the delivery
- 596 system meets or exceeds its policies ~~and standards, including, without limitation, caseload~~
- 597 ~~standards~~, as the council adopts;
- 598 (3) The governing authority of the county comprising the judicial circuit enacts a
- 599 resolution expressing its desire to continue its delivery system and transmits a copy of
- 600 such resolution to the council not later than September 30, 2004; and
- 601 (4) The governing authority of the county comprising the judicial circuit enacts a
- 602 resolution agreeing to fully fund its delivery system.
- 603 (b) A judicial circuit composed of a single county may request an alternative delivery
- 604 system only one time; provided, however, that if such judicial circuit's request for an
- 605 alternative delivery system was disapproved on or before December 31, 2004, such judicial
- 606 circuit may make one further request on or before September 1, 2005. The council shall
- 607 allow such judicial circuit to have a hearing on such judicial circuit's request.
- 608 (c) The council shall make a determination with regard to continuation of an alternative
- 609 delivery system not later than December 1, 2005, and if the council determines that such
- 610 judicial circuit's alternative delivery system does not meet the standards requirements as
- 611 established by the council, the council shall notify such judicial circuit of its deficiencies
- 612 in writing and shall allow such judicial circuit an opportunity to cure such deficiencies. The
- 613 council shall make a final determination with regard to continuation of an alternative
- 614 delivery system on or before December 31, 2005. Initial and subsequent approvals of
- 615 alternative delivery systems shall be by a majority vote of the entire council.
- 616 (d) Any circuit whose alternative delivery system is disapproved at any time shall be
- 617 governed by the provisions of this article other than this Code section.
- 618 (e) In the event an alternative delivery system is approved, the council shall annually
- 619 review the operation of such system and determine whether such system is meeting the
- 620 standards requirements as established by the council and is eligible to continue operating
- 621 as an approved alternative delivery system. In the event the council determines that such
- 622 system is not meeting the standards requirements as established by the council, the council
- 623 shall provide written notice to such system of the deficiencies and shall provide such system
- 624 an opportunity to cure such deficiencies.

625 (f) In the event an alternative delivery system is approved, it shall keep and maintain
 626 appropriate records, which shall include the number of persons represented; the offenses
 627 charged; the outcome of each case; the expenditures made in providing services; and any
 628 other information requested by the council.

629 (g) In the event the council disapproves an alternative delivery system either in its initial
 630 application or annual review, such system may appeal such decision to the ~~Supreme Court~~
 631 ~~of Georgia~~ council under such rules and procedures as shall be prescribed by the ~~Supreme~~
 632 ~~Court~~ council.

633 (h) An approved alternative delivery system shall be paid by the council, from funds
 634 available to the council, in an amount equal to the amount that would have been allocated
 635 to the judicial circuit for the minimum salary of the circuit public defender, the assistant
 636 circuit public defenders, the investigator, and the administrative staff, exclusive of benefits,
 637 if the judicial circuit was not operating an alternative delivery system."

638 **SECTION 7-12.**

639 Said chapter is further amended by revising subsection (c) of Code Section 17-12-51, relating
 640 to repayment of attorney's fees as a condition of probation, as follows:

641 "(c) If a defendant who is represented by a public defender, who is paid for entirely by the
 642 state, enters a plea of nolo contendere, first offender, or guilty or is otherwise convicted, the
 643 court may impose as a condition of probation repayment of all or a portion of the cost for
 644 providing legal representation and other costs of the defense if the payment does not impose
 645 a financial hardship upon such defendant or such defendant's dependent or dependents.
 646 Such defendant shall make such payment through the probation department to the Georgia
 647 Public Defender ~~Standards~~ Council for payment to the general fund of the state treasury."

648 **SECTION 7-13.**

649 Said chapter is further amended by revising subsection (b) of Code Section 17-12-80, relating
 650 to the requirement for verification of indigence, as follows:

651 "(b) The council shall establish policies ~~and standards~~ to determine approval of an indigent
 652 person verification system and shall annually provide written notification to the Georgia
 653 Superior Court Clerks' Cooperative Authority as to whether or not a governing authority has
 654 an approved indigent person verification system."

655 **PART VIII**

656 **SECTION 8-1.**

657 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising

658 subsection (a) of Code Section 15-6-30, relating to expenses for attendance at educational
659 programs, as follows:

660 "(a) The judges of the superior courts of this state shall be entitled to receive, in addition
661 to the compensation provided by law, reimbursement of travel expenses incurred when such
662 a judge attends any court in his judicial circuit other than the court in the county of the
663 residence of the judge or when the judge is required to be in any county in his circuit other
664 than the county of his residence in the discharge of any judicial duty or function, required
665 by law, pertaining to the superior court of such county. Judges and senior judges of the
666 superior courts shall also be entitled to receive reimbursement under this Code section of
667 travel expenses incurred when any such judge is designated to preside in the place of an
668 absent Justice of the Supreme Court or attends a meeting of a judicial administrative district,
669 The Council of Superior Court Judges of Georgia, the Judicial Council of Georgia, the
670 Council of Accountability Court Judges of Georgia, the Advisory Council for Probation, the
671 Judicial Qualifications Commission, or any committee or subcommittee of any such body,
672 or when any such judge attends a meeting with the personnel of any state department or
673 other state agency when such meeting is held to carry out a public purpose; provided,
674 however, that any expenses for which reimbursement is received under this subsection shall
675 not be eligible for reimbursement under Code Section 15-6-32."

676

SECTION 8-2.

677 Said title is further amended by revising subsections (e) and (g) of Code Section 15-6-76.1,
678 relating to investing or depositing funds, as follows:

679 "(e) When funds have been paid into the registry of the court and the order of the court
680 relating to such funds does not state that such funds shall be placed in an interest-bearing
681 trust account for the benefit of one or more of the parties, the clerk shall deposit such funds
682 in an interest-bearing trust account, and the financial institution in which such funds are
683 deposited shall remit, after service charges or fees are deducted, the interest generated by
684 said funds directly to the Georgia Superior Court Clerks' Cooperative Authority by the last
685 day of the month following the month in which such funds were received for distribution
686 to the Georgia Public Defender ~~Standards~~ Council for allotment to the circuit public
687 defender offices. With each remittance, the financial institution shall send a statement
688 showing the name of the court, the rate of interest applied, the average monthly balance in
689 the account against which the interest rate is applied, the service charges or fees of the bank
690 or other depository, and the net remittance. This subsection shall include, but not be limited
691 to, cash supersede bonds for criminal appeal, other supercede bonds, and bonds or funds
692 paid into the court registry in actions involving interpleader, condemnation, and requests for
693 injunctive relief."

694 "(g) Any interest earned on funds subject to this Code section or Code Section 15-7-49,
 695 15-9-18, or 15-10-240 while in the custody of the Georgia Superior Court Clerks'
 696 Cooperative Authority shall be remitted to the Georgia Public Defender ~~Standards~~ Council."

697 **SECTION 8-3.**

698 Said title is further amended by revising Code Section 15-7-49, relating to remittance of
 699 interest from interest-bearing trust account, as follows:

700 "15-7-49.

701 When funds are paid into the court registry, the clerk shall deposit such funds in
 702 interest-bearing trust accounts, and the interest from those funds shall be remitted to the
 703 Georgia Superior Court Clerks' Cooperative Authority in accordance with the provisions of
 704 subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public
 705 Defender ~~Standards~~ Council."

706 **SECTION 8-4.**

707 Said title is further amended by revising Code Section 15-9-18, relating to remittance of
 708 interest from cash bonds, as follows:

709 "15-9-18.

710 Whenever the sheriff transfers cash bonds to the clerk of the court, pursuant to Code Section
 711 15-16-27, the clerk shall deposit such funds into interest-bearing trust accounts, and the
 712 interest from those funds shall be remitted to the Georgia Superior Court Clerks'
 713 Cooperative Authority in accordance with the provisions of subsections (c) through (i) of
 714 Code Section 15-6-76.1 for distribution to the Georgia Public Defender ~~Standards~~ Council."

715 **SECTION 8-5.**

716 Said title is further amended by revising Code Section 15-10-240, relating to remittance of
 717 interest from funds, as follows:

718 "15-10-240.

719 When funds are paid into the court registry, the clerk shall deposit such funds in
 720 interest-bearing trust accounts, and the interest from those funds shall be remitted to the
 721 Georgia Superior Court Clerks' Cooperative Authority in accordance with the provisions of
 722 subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public
 723 Defender ~~Standards~~ Council."

724 **SECTION 8-6.**

725 Said title is further amended by revising subsection (b) of Code Section 15-16-27, relating to
 726 deposit of cash bonds and reserves of professional bonds persons in interest-bearing accounts,
 727 as follows:

728 "(b) The financial institution in which the funds are deposited shall remit, after service
 729 charges or fees are deducted, the interest generated by such funds directly to the Georgia
 730 Superior Court Clerks' Cooperative Authority in accordance with the provisions of
 731 subsections (c) through (i) of Code Section 15-6-76.1 for distribution to the Georgia Public
 732 Defender ~~Standards~~ Council. With each remittance, the financial institution shall send a
 733 statement showing the name of the county, deposits and withdrawals from the account or
 734 accounts, interest paid, service charges or fees of the bank or other depository, and the net
 735 remittance."

736 **SECTION 8-7.**

737 Said title is further amended by revising subsection (c) of Code Section 15-21A-7, relating
 738 to rules, regulations, reporting, and accounting, as follows:

739 "(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all
 740 fines and fees collected and remitted by any court and shall submit such report and
 741 accounting to the Legislative Oversight Committee for the Georgia Public Defender
 742 ~~Standards~~ Council, the Office of Planning and Budget, the Chief Justice of the Supreme
 743 Court of Georgia, the House Budget and Research Office, and the Senate Budget and
 744 Evaluation Office no later than 60 days after the last day of the preceding quarter."

745 **SECTION 8-8.**

746 Code Section 35-6A-3 of the Official Code of Georgia Annotated, relating to the membership
 747 on the Criminal Justice Coordinating Council, is amended by revising subsections (a) and (c)
 748 as follows:

749 "(a) The Criminal Justice Coordinating Council shall consist of ~~24~~ 25 members and shall
 750 be composed as follows:

751 (1) The chairperson of the Georgia Peace Officer Standards and Training Council, the
 752 director of homeland security, the chairperson of the Judicial Council of Georgia, the
 753 chairperson of the Council of Accountability Court Judges of Georgia, the chairperson of
 754 the Prosecuting Attorneys' Council of the State of Georgia, the commissioner of
 755 corrections, the chairperson of the Board of Corrections, the vice chairperson of the Board
 756 of Public Safety, the chairperson of the State Board of Pardons and Paroles, the State
 757 School Superintendent, the commissioner of community affairs, the president of the
 758 Council of Juvenile Court Judges, the chairperson of the Georgia Public Defender
 759 ~~Standards~~ Council, the chairperson of the Governor's Office for Children and Families,

760 and the commissioner of juvenile justice or their designees shall be ex officio members
 761 of the council, as full voting members of the council by reason of their office; and
 762 (2) Ten members shall be appointed by the Governor for terms of four years, their initial
 763 appointments, however, being four for four-year terms, two for three-year terms, and four
 764 for two-year terms. Appointments shall be made so that there are always on the council
 765 the following persons: one county sheriff, one chief of police, one mayor, one county
 766 commissioner, one superior court judge, four individuals who shall be, by virtue of their
 767 training or experience, knowledgeable in the operations of the criminal justice system of
 768 this state, and one individual who shall be, by virtue of his or her training and experience,
 769 knowledgeable in the operations of the entire spectrum of crime victim assistance
 770 programs delivering services to victims of crime. No person shall serve beyond the time
 771 he or she holds the office or employment by reason of which he or she was initially
 772 eligible for appointment."

773 "(c) The initial terms for all 19 original members shall begin July 1, 1981. The initial term
 774 for the member added in 1985 shall begin July 1, 1985. The initial term for the member
 775 added in 1988 shall begin July 1, 1988. The initial term for the member added in 1989 shall
 776 begin July 1, 1989. The State School Superintendent shall be a member effective on July
 777 1, 1989. The chairperson of the Georgia Public Defender ~~Standards~~ Council shall become
 778 a member on December 31, 2003. The chairperson of the Council of Accountability Court
 779 Judges of Georgia shall become a member on July 1, 2015."

780 **SECTION 8-9.**

781 Code Section 36-32-1 of the Official Code of Georgia Annotated, relating to establishment
 782 of municipal court, is amended by revising subsections (f) and (g) as follows:

783 "(f) Any municipal court operating within this state and having jurisdiction over the
 784 violation of municipal ordinances and over such other matters as are by specific or general
 785 law made subject to the jurisdiction of municipal courts shall not impose any punishment
 786 of confinement, probation, or other loss of liberty, or impose any fine, fee, or cost
 787 enforceable by confinement, probation, or other loss of liberty, as authorized by general law
 788 or municipal or county ordinance, unless the court provides to the accused the right to
 789 representation by a lawyer, and provides to those accused who are indigent the right to
 790 counsel at no cost to the accused. Such representation shall be subject to all applicable
 791 standards adopted by the Georgia Public Defender ~~Standards~~ Council for representation of
 792 indigent persons in this state.

793 (g) Any municipal court operating within this state that has jurisdiction over the violation
 794 of municipal or county ordinances or such other statutes as are by specific or general law
 795 made subject to the jurisdiction of municipal courts, and that holds committal hearings in

796 regard to such alleged violations, must provide to the accused the right to representation by
797 a lawyer, and must provide to those accused who are indigent the right to counsel at no cost
798 to the accused. Such representation shall be subject to all applicable standards adopted by
799 the Georgia Public Defender Standards Council for representation of indigent persons in this
800 state."

801 **PART IX**
802 **SECTION 9-1.**

803 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
804 July 1, 2015.
805 (b) Part II of this Act shall become effective upon its approval by the Governor or upon its
806 becoming law without such approval. The provisions of Part II of this Act shall be given
807 retroactive effect to those sentences imposed before the effective date of Part II of this Act.

808 **SECTION 9-2.**
809 All laws and parts of laws in conflict with this Act are repealed.