

Summary of SB 503 (AS PASSED)

Section 1 & Section 2

These sections mandate the courts to impose the payment of the \$50 application fee as a condition of probation if it is not waived or paid upfront. (This is an attempt to improve the collection of the application fee.)

Section 3

This section provides that a continuance and stay shall be granted for legislative duties.

Section 4

This section provides for a statutory definition of an “indigent person” or “indigent defendant”. It is as follows:

1. A person charged with a misdemeanor, violation of probation, or a municipal, county, or juvenile offense punishable by imprisonment who earns or, in the case of a juvenile, whose parents earn, less than 125 percent of the federal poverty guidelines is entitled to legal representation under this chapter unless there is evidence that the person has other resources that might reasonably be used to employ a lawyer without undue hardship on the person or his or her dependents; and
2. A person charged with a felony who earns or, in the case of a juvenile, whose parents earn, less than 150 percent of the federal poverty guidelines is entitled to legal representation under this chapter unless there is evidence that the person has other resources that might reasonably be used to employ a lawyer without undue hardship on the person or his or her dependents.

This section also sets a statutory cap of 150 percent of the federal poverty guidelines for indigent defense services.

Section 5

This section provides for the staggering of the council member terms by authorizing the council members from the even-numbered judicial districts to serve an initial term of 6 years.

Section 6

This section strikes the council’s statutory authority to establish a standard for determining indigence.

Section 7

This section provides that the circuit public defender and any other person or entity providing indigent defense services shall determine financial eligibility in accordance with the statutory definition of indigence.

Section 8

This section changes “multicounty public defender office” in O.C.G.A. § 17-12-26 to “Office of the Georgia Capital Defender”. This is one of the council’s technical changes.

Section 9

This section prohibits a circuit public defender, assistant public defender, or local public defender from displaying, wearing, or carrying any badge, shield, card, or other item that is similar to a law enforcement officer’s badge or that could be reasonably construed to indicate that the public defender is a peace officer or law enforcement official.

Section 10

This section is one of the council’s technical changes in that it clarifies that the local governing authorities may contract with the Standards Council for additional personnel, rather than with the Department of Administrative Services since the Department of Administrative Services did not want to provide those services to the council.

Section 11

This section provides that the Office of the Georgia Capital Defender may submit budget requests for each fiscal year rather than for just FY 05. This is one of the council’s technical changes.

Section 12

This section provides that this bill will become effective upon the Governor’s signature or upon its becoming law without such approval.