

House Bill 480

By: Representatives Reeves of the 34th, Willard of the 51st, Ehrhart of the 36th, Jacobs of the 80th, and Weldon of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 5 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated,
2 relating to prosecuting attorneys of municipal courts, so as to require notices of the creation
3 of the office of prosecuting attorney of municipal court and the name of the prosecuting
4 attorney to be served on the Administrative Office of the Courts; to require the city attorney
5 to serve as the prosecuting attorney when such office has not been created; to provide for
6 procedure when the city attorney has a conflict of interest; to provide for related matters; to
7 provide for effective dates; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 5 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to
11 prosecuting attorneys of municipal courts, is amended by revising subsections (a) and (b) of
12 Code Section 15-18-91, relating to the creation of the office of prosecuting attorney of
13 municipal court, as follows:

14 "(a) Subject to the provisions of this article, the governing authority of a municipality shall
15 be authorized to create the office of prosecuting attorney of the municipal court. A copy
16 of the resolution or ordinance creating the office of prosecuting attorney of the municipal
17 court shall be provided to the ~~Prosecuting Attorneys' Council of the State of Georgia~~
18 Administrative Office of the Courts."

19 **SECTION 2.**

20 Said article is further amended by revising subsection (b) of Code Section 15-18-91, relating
21 to the creation of the office of prosecuting attorney of municipal court, as follows:

22 "(b) It shall be the duty of the municipal court clerk, or such other person designated by
23 the governing authority of a municipality, to notify the ~~Prosecuting Attorneys' Council of~~
24 ~~the State of Georgia~~ Administrative Office of the Courts of the name of any person

25 appointed to be the prosecuting attorney of a municipal court within 30 days of such
26 appointment."

27 **SECTION 3.**

28 Said article is further amended by revising subsection (a) of Code Section 15-18-91, relating
29 to the creation of the office of prosecuting attorney of municipal court, as follows:

30 "(a) Subject to the provisions of this article, the governing authority of a municipality shall
31 be authorized to create the office of prosecuting attorney of the municipal court. A copy
32 of the resolution or ordinance creating the office of prosecuting attorney of the municipal
33 court shall be provided to the ~~Prosecuting Attorneys' Council of the State of Georgia~~
34 Administrative Office of the Courts. Until the office of prosecuting attorney of the
35 municipal court is created, the city attorney of the applicable municipality shall serve as
36 the prosecuting attorney. When he or she has a conflict of interest, the court shall appoint
37 an attorney to serve in such capacity pro hac vice."

38 **SECTION 4.**

39 Said article is further amended by revising Code Section 15-8-95, relating to disqualification
40 or incapacity of prosecuting attorney, as follows:

41 "15-18-95.

42 If the prosecuting attorney of a municipal court is disqualified from engaging in the
43 prosecution of a particular case or is unable to perform the duties of said office due to
44 illness or incapacity, the governing authority shall provide for the appointment of a
45 substitute prosecuting attorney. At any time in which a substitute prosecuting attorney is
46 not available or an appointment has not been made, the city attorney of the applicable
47 municipality ~~may~~ shall serve as the substitute prosecuting attorney until such time as a
48 prosecuting attorney or substitute prosecuting attorney is available or appointed. When the
49 city attorney has a conflict of interest, the court shall appoint a prosecuting attorney pro hac
50 vice."

51 **SECTION 5.**

52 (a) Except as provided in subsection (b) of this section, this Act shall become effective on
53 July 1, 2015.

54 (b) Sections 3 and 4 of this Act shall become effective on July 1, 2017, at which time,
55 Section 1 of this Act shall be superseded and repealed in its entirety.

56 **SECTION 6.**

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