

House Bill 103

By: Representatives Turner of the 21st, Welch of the 110th, Kelley of the 16th, Holcomb of the 81st, Anulewicz of the 42nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to
2 general provisions for crimes and offenses, so as to change provisions relating to restrictions
3 on contingency fee compensation of an attorney appointed to represent the state in forfeiture
4 actions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 1 of Title 16 of the Official Code of Georgia Annotated, relating to general
8 provisions for crimes and offenses, is amended by revising Code Section 16-1-12, relating
9 to restrictions on contingency fee compensation of an attorney appointed to represent the
10 state in forfeiture actions, as follows:

11 "16-1-12.

12 (a) In any forfeiture action brought pursuant to this title or Title 3, 7, 10, 12, 17, 27, 40,
13 46, 48, 49, or 52, an attorney appointed by the Attorney General or district attorney as a
14 special assistant attorney general, special assistant district attorney, or other attorney
15 ~~appointed~~ to represent this state in such forfeiture action shall not be compensated on a:

16 (1) A contingent basis by a percentage of assets which arise or are realized from such
17 forfeiture action. ~~Such attorneys shall also not be compensated on a:~~

18 (2) An hourly basis that is capped by the value of the assets which arise or are realized
19 from such forfeiture action; or

20 (3) An ~~contingent basis by an~~ hourly basis, fixed fee, or other arrangement which is
21 contingent on a successful prosecution of such forfeiture action.

22 (b) When an attorney is appointed by the Attorney General or district attorney as a special
23 assistant attorney general, special assistant district attorney, or other attorney to represent
24 this state in a forfeiture action, such appointment and the terms of compensation for each
25 case to which he or she is appointed shall be in writing and filed with the clerk of court,

26 and copies shall be provided to the presiding judge and the Prosecuting Attorneys' Council
27 of the State of Georgia.

28 ~~(b)~~(c) Nothing in this Code section shall be construed as prohibiting or otherwise
29 restricting the Attorney General or a district attorney from appointing special assistants or
30 other attorneys to assist in the prosecution of any action brought pursuant to this title."

31 **SECTION 2.**

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