

House Bill 1239

By: Representatives Beverly of the 143rd, Bentley of the 139th, Paris of the 142nd, Nelson of the 125th, Sharper of the 177th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions for prosecuting attorneys, so as to provide for the appointment
3 of a prosecuting attorney when the accused is a law enforcement officer charged with a
4 felony or an act of family violence; to provide for an effective date; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

12 "(a) When a district attorney's office is disqualified from interest or relationship to engage
13 in a prosecution, the district attorney shall notify the Attorney General of the
14 disqualification. When the individual being prosecuted is a law enforcement officer whose
15 official duties are within the same judicial circuit as the district attorney and the law
16 enforcement officer is alleged to have committed a felony or an act of family violence, as
17 such term is defined in Code Section 19-13-1, the district attorney shall notify the Attorney
18 General of such prosecution. Upon receipt of ~~such~~ notification pursuant to this subsection,
19 the Attorney General shall:

- 20 (1) Request the services of and thereafter appoint a district attorney, a solicitor-general,
21 or a retired prosecuting attorney as provided in Code Section 15-18-30;
- 22 (2) Designate an attorney from the Department of Law; or
- 23 (3) Appoint a competent attorney to act as district attorney pro tempore in place of the
24 district attorney."

25 **SECTION 2.**

26 This Act shall become effective upon its approval by the Governor or upon its becoming law
27 without such approval.

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.