

Senate Bill 131

By: Senators Jones II of the 22nd, Merritt of the 9th, Halpern of the 39th, Jackson of the 41st, Orrock of the 36th 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 related matters; to repeal conflicting laws;  
5 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26 All laws and parts of laws in conflict with this Act are repealed.