

House Bill 35

By: Representatives Ridley of the 22nd, Powell of the 33rd, Horner of the 3rd, Tarvin of the 2nd,
Ridley of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-18-5 of the Official Code of Georgia Annotated, relating to
2 appointment of substitute for absent or disqualified district attorney, so as to revise the
3 compensation of private attorneys appointed to act as district attorney pro tempore; to
4 provide for such attorneys to be compensated \$250.00 per hour for each certified hour
5 worked, subject to a cap; to provide for such cap; to provide for certification by the
6 Prosecuting Attorneys' Council of the State of Georgia of such hours worked by such
7 attorneys; to provide for such attorneys to engage the services of private counsel, paralegals,
8 and legal interns and to provide for their compensation; to provide for funding of such
9 compensation; to provide for reimbursement of actual expenses incurred; to provide for
10 inflation adjustments; to provide for related matters; to provide for an effective date; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 Code Section 15-18-5 of the Official Code of Georgia Annotated, relating to appointment of
15 substitute for absent or disqualified district attorney, is amended by revising subsection (b)
16 as follows:

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17 "(b)(1) A private attorney acting as district attorney pro tempore pursuant to paragraph
18 (3) of subsection (a) of this Code section is subject to all laws and regulations established
19 pursuant to Code Section 15-18-19 governing district attorneys. Such private attorney
20 shall receive the same compensation from state funds appropriated for the operations of
21 the district attorneys at the same rate as the district attorney during the term of such
22 appointment and shall incur the same penalties in the discharge of the duties of said
23 office.

24 (2)(A) Such private attorney shall receive a minimum monthly compensation equal to
25 the lesser of:

26 (i) Two hundred fifty dollars per hour for each hour worked as certified by the
27 executive director of the Prosecuting Attorneys' Council of the State of Georgia; or

28 (ii) Ninety percent of the monthly salary of the district attorney in whose place such
29 private attorney is appointed to act; provided, however, that such monthly salary shall
30 not include any supplement provided pursuant to subsection (b) of Code Section
31 15-18-10.

32 (B) Notwithstanding any other provisions of law to the contrary, such private attorney
33 shall be authorized to engage the services of others, including private counsel,
34 paralegals, or legal clerks, who shall receive a monthly compensation of up to \$110.00
35 per hour for each hour worked as determined and certified by the executive director of
36 the Prosecuting Attorneys' Council of the State of Georgia.

37 (C)(i) The funds required for the compensation provided for in subparagraphs (A)
38 and (B) of this paragraph shall be paid from state funds appropriated for the
39 operations of the district attorney in whose place a private attorney is appointed to act
40 as district attorney pro tempore pursuant to paragraph (3) of subsection (a) of this
41 Code section.

42 (ii) The actual expenses incurred by a private attorney appointed to act as district
43 attorney pro tempore pursuant to paragraph (3) of subsection (a) of this Code section,

44 or members of his or her staff engaged pursuant to subparagraph (B) of this
45 paragraph, shall be reimbursed by the county in which such district attorney pro
46 tempore is acting at the same rate as provided in Code Section 15-18-12 for district
47 attorneys. Any court costs, filing costs, witness fees, costs of reporting and preparing
48 transcripts of records, and any other expenses incurred for such services shall be paid
49 as provided by law.

50 (D) The hourly rates provided for in division (i) of subparagraph (A) and in
51 subparagraph (B) of this paragraph shall be adjusted on an annual basis based on the
52 Consumer Price Index as reported by the Bureau of Labor Statistics of the United States
53 Department of Labor."

54 **SECTION 2.**

55 This Act shall become effective on July 1, 2025.

56 **SECTION 3.**

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