

The Senate Judiciary Committee offered the following substitute to HB 842:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated,  
2 relating to general provisions for certiorari and appeal to appellate courts generally, so as to  
3 clarify provisions relating to payment of costs and indigency affidavits; to provide for related  
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 1 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to  
8 general provisions for certiorari and appeal to appellate courts generally, is amended by  
9 revising Code Section 5-6-4, relating to bill of costs, payment of costs, and filing of affidavit  
10 of indigence, as follows:

11 "5-6-4.

12 (a) The bill of costs for every application to the Supreme Court for a writ of certiorari or  
13 for applications for appeals filed in the Supreme Court or the Court of Appeals or appeals  
14 to the Supreme Court or the Court of Appeals shall be \$80.00 in criminal cases and in  
15 habeas corpus cases for persons whose liberty is being restrained by virtue of a sentence  
16 imposed against them by a state court and \$300.00 in all other civil cases. The costs shall  
17 be paid by counsel for the applicant or appellant at the time of the filing of the application  
18 or, in the case of direct appeals, at the time of the filing of the original brief of the  
19 appellant. In those cases in which the writ of certiorari or an application for appeal is  
20 granted, there shall be no additional costs.

21 (b) Costs shall not be required ~~in those instances~~ when at the time the same are due;

22 (1) The pro se applicant or pro se appellant is incarcerated at the time of the filing;

23 (2) Counsel ~~counsel~~ for the applicant or appellant ~~shall file a statement that an affidavit~~  
24 ~~of indigence has been duly filed or file an affidavit that he or she~~ was appointed to  
25 represent the defendant by the trial court because of the defendant's indigency; or

