

Senate Bill 271

By: Senators Kennedy of the 18th, Cowser of the 46th, Stone of the 23rd, Burke of the 11th and Jones of the 25th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, and Code
2 Section 47-2-263 of the Official Code of Georgia Annotated, relating to credit for certain
3 past service as an assistant district attorney or employee of the Prosecuting Attorneys'
4 Council, payment of employee contributions, and credit for service as a full-time law
5 assistant, so as to rename law assistants as law clerks and staff attorneys; to provide for
6 related matters; to provide conditions for an effective date and automatic repeal; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
11 Code Section 15-2-19, relating to law assistants, as follows:

12 "15-2-19.

13 The Justices of the Supreme Court shall be authorized to appoint ~~law assistants~~ law clerks
14 and staff attorneys for the use of the court and to remove them at pleasure. The ~~law~~
15 ~~assistants~~ law clerks and staff attorneys shall have been admitted to the bar of this state as
16 practicing attorneys; provided, however, that an individual who graduated from law school
17 but who is not a member of the bar of this state may be appointed as a ~~law assistant~~ law
18 clerk or staff attorney so long as he or she is admitted to the bar of this state within one
19 year of such appointment. It shall be the duty of the ~~law assistants~~ law clerks and staff
20 attorneys to attend all sessions of the court, if so ordered, and generally to perform the
21 duties incident to the role of ~~law assistant~~ law clerk or staff attorney."

22 **SECTION 2.**

23 Said title is further amended by revising Code Section 15-3-9, relating to law assistants, as
24 follows:

25 "15-3-9.

26 (a) The Judges of the Court of Appeals shall be authorized to appoint ~~law assistants~~ law
 27 clerks and staff attorneys for the use of the court and to remove them at pleasure. Each ~~law~~
 28 ~~assistant~~ law clerk or staff attorney of the Court of Appeals shall have been admitted to the
 29 bar of this state as a practicing attorney; provided, however, that an individual who
 30 graduated from law school but who is not a member of the bar of this state may be
 31 appointed as a ~~law assistant~~ law clerk or staff attorney so long as he or she is admitted to
 32 the bar of this state within one year of such appointment.

33 (b) It shall be the duty of a ~~law assistant~~ law clerk or staff attorney to attend all sessions
 34 of the court, if so ordered, and generally to perform the duties incident to the role of ~~law~~
 35 ~~assistant~~ law clerk or staff attorney."

36 **SECTION 3.**

37 Said title is further amended by revising Code Section 15-6-28, relating to law assistants and
 38 court administrators for judicial circuits and circuits having institutions for carrying out death
 39 sentences, as follows:

40 "15-6-28.

41 (a) The chief judge of each judicial circuit is authorized to employ either one ~~law assistant~~
 42 law clerk, one staff attorney, or one court administrator for the circuit. Each judicial circuit
 43 is authorized to employ additional ~~law assistants~~ law clerks, staff attorneys, and
 44 administrators subject to availability of funds.

45 (b) The chief judge of a judicial circuit wherein there is located an institution of the state
 46 designated by the Department of Corrections for carrying out the death sentence is
 47 authorized to employ a ~~law assistant~~ law clerk or staff attorney, whose primary duty shall
 48 be to assist the court in handling appeals made by individuals awaiting execution.

49 (c) All personnel actions involving ~~law assistants~~ law clerks, staff attorneys, and court
 50 administrators employed pursuant to this Code section shall be in accordance with the
 51 provisions of Code Section 15-6-27.

52 (d) Funds for salaries, expenses, and other remuneration for ~~law assistants~~ law clerks, staff
 53 attorneys, and court administrators employed pursuant to this Code section shall be paid
 54 from state funds appropriated or otherwise available for the operation of the superior
 55 courts."

56 **SECTION 4.**

57 Code Section 47-2-263 of the Official Code of Georgia Annotated, relating to credit for
 58 certain past service as an assistant district attorney or employee of the Prosecuting Attorneys'

59 Council, payment of employee contributions, and credit for service as full-time law assistant,
60 is amended by revising subsection (c) as follows:

61 "(c) Any member who is subject to Code Section 47-2-262 may receive up to four years
62 of creditable service under this chapter for past service as a full-time law assistant, law
63 clerk, or staff attorney for a judicial circuit employed pursuant to the provisions of Code
64 Section 15-6-28 upon payment to the board of trustees of such amount as determined by
65 the actuary as necessary to grant such benefit without creating any accrued actuarial
66 liability as to this retirement system. The basis for employee contributions to obtain
67 creditable service under this Code section shall be the state salary paid to the member
68 claiming such past service at the time the service was rendered. Such payment must be
69 made not later than July 1, 2003, or within six months of first or again becoming a member,
70 whichever is later."

71 **SECTION 5.**

72 This Act shall become effective on July 1, 2020, only if it is determined to have been
73 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
74 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
75 become effective and shall be automatically repealed in its entirety on July 1, 2020, as
76 required by subsection (a) of Code Section 47-20-50.

77 **SECTION 6.**

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