

Senate Bill 3

By: Senators Dolezal of the 27th, Beach of the 21st, Robertson of the 29th, Walker III of the 20th, Watson of the 1st 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 regarding prosecuting attorneys, so as to provide additional  
3 qualifications regarding convictions for district attorneys, assistant district attorneys, deputy  
4 district attorneys, and other attorneys at law employed by district attorneys; to provide for  
5 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to  
10 general provisions regarding prosecuting attorneys, is amended by revising Code  
11 Section 15-18-3, relating to qualifications for district attorneys, as follows:

12 "15-18-3.

13 (a) To be eligible to fill the office of district attorney, a person must:

14 (1) Have been a resident citizen of this state three years just preceding his or her election  
15 or appointment;

16 (2) Permanently reside in the circuit at the time of his or her election or appointment;

- 17 (3) Have attained the age of 25 years;
- 18 (4) Have been duly admitted and licensed to practice law in the superior courts for at  
19 least three years; and
- 20 (5) If previously disbarred from the practice of law, have been reinstated as provided by  
21 law.
- 22 (b) Any person who solicits, accepts, or refuses to reject a pardon for any crime under the  
23 laws of this state, any other state, or the United States shall not be eligible for election or  
24 appointment to the office of district attorney nor to serve as a district attorney."

## 25 SECTION 2.

26 Said article is further amended by revising subsection (b) of Code Section 15-18-21, relating  
27 to qualifications of attorneys and investigators employed by district attorney, as follows:

28 "(b)(1) Any assistant district attorney, deputy district attorney, or any other attorney at  
29 law employed by the district attorney shall:

30 (A) Be ~~be~~ a member of the State Bar of Georgia;

31 (B) Be ~~admitted~~ ~~admitted~~ to practice before the appellate courts of this state;

32 (C) Serve ~~shall serve~~ at the pleasure of the district attorney; ~~and~~

33 (D) Have ~~shall have~~ such authority, powers, and duties as may be assigned by the  
34 district attorney; and

35 (E) Not have been convicted of a felony under the laws of this state, any other state,  
36 or the United States nor solicited, accepted, or refused to reject a pardon for a felony  
37 under the laws of this state, any other state, or the United States.

38 (2) An assistant district attorney, deputy district attorney, or any other attorney at law  
39 employed by a district attorney shall immediately vacate his or her position upon initial  
40 conviction of a felony under the laws of this state, any other state, or the United States

41 or upon soliciting, accepting, or refusing to reject a pardon for a felony under the laws of  
42 this state, any other state, or the United States."

43 **SECTION 3.**

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

46 **SECTION 4.**

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