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## COURTS Prosecuting Attorneys: Change Appointment, Qualifications, Classification, and Compensation of Assistant District Attorneys; Change Provisions Relating to the Appointment of District Attorney Investigators; Change Provisions Relating to Administrative, Clerical, and Paraprofessional Personnel Employed by District Attorneys; Provide That Nonstate Paid Personnel Employed in District Attorneys' Offices Shall Serve at the Pleasure of the District Attorney

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## COURTS

*Prosecuting Attorneys: Change Appointment, Qualifications, Classification, and Compensation of Assistant District Attorneys; Change Provisions Relating to the Appointment of District Attorney Investigators; Change Provisions Relating to Administrative, Clerical, and Paraprofessional Personnel Employed by District Attorneys; Provide That Nonstate Paid Personnel Employed in District Attorneys' Offices Shall Serve at the Pleasure of the District Attorney*

**CODE SECTIONS:** O.C.G.A. §§ 15-18-14, -14.1, -17, -20  
(amended)

**BILL NUMBER:** SB 346

**ACT NUMBER:** 899

**GEORGIA LAWS:** 2000 Ga. Laws 1521

**SUMMARY:** The Act amends various sections of the Georgia Code relating to district attorneys, and the Act eliminates definitions of various terms. The Prosecuting Attorneys' Council of the State of Georgia may now consider various factors when authorizing additional assistant district attorneys and district attorney investigators. The Act changes language addressing qualifications and salaries of assistant district attorneys. Additionally, the Act changes language regarding legal secretaries to include various forms of personnel, such as administrative, clerical, and paraprofessional personnel. As with assistant district attorneys and district attorney investigators, the Prosecuting Attorneys' Council of the State of Georgia may now consider various factors when employing personnel. Personnel employed by the district

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attorney shall now serve at the pleasure of the district attorney.

EFFECTIVE DATE: July 1, 2000

### *History*

The purpose of SB 346 was effectively to “clean up” certain relevant sections of the Georgia Code that pertain to assistant district attorneys, district attorney investigators, district attorney personnel, and related matters.<sup>1</sup> The bill itself is straightforward; unneeded language has been removed from the Code so that the relevant sections affected by this update are more concise and coherent.<sup>2</sup>

### *SB 346*

Senators Daniel W. Lee of the 29th District and Greg Hecht of the 34th District sponsored SB 346.<sup>3</sup> The bill was introduced on the Senate Floor on January 25, 2000.<sup>4</sup> The Senate assigned the bill to its Special Judiciary Committee, which favorably reported the bill, as substituted, on February 8, 2000.<sup>5</sup> The Senate Committee substitute eliminated language that defined the term ‘break in service’ as a separation from full-time employment by the State of Georgia for a period of six months or more.<sup>6</sup> The Senate adopted the Special Judiciary Committee substitute and passed the bill on February 10, 2000.<sup>7</sup>

On February 14, 2000, the bill was assigned to the House Special Judiciary Committee, which favorably reported the bill, as substituted, on March 9, 2000.<sup>8</sup> The House Committee substitute eliminated the language in Code section 15-18-14, which referred to the Judicial Council of Georgia, and inserted language referencing the Prosecuting Attorneys’ Council of the

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1. See Telephone Interview with Sen. Daniel W. Lee, Senate District No. 29 (May 10, 2000).

2. See *id.*

3. See SB 346, as introduced, 2000 Ga. Gen. Assem.

4. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

5. See *id.*

6. Compare SB 346, as introduced, 2000 Ga. Gen. Assem., with SB 346 (SCS), 2000 Ga. Gen. Assem.

7. See Georgia Senate Voting Record, SB 346 (Feb. 10, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

8. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

State of Georgia.<sup>9</sup> This provision clarifies what entity is authorized to select judicial circuits to appoint an additional assistant district attorney in certain fiscal years.<sup>10</sup> The House adopted the Special Judiciary Committee substitute and passed the bill on March 20, 2000.<sup>11</sup> The House returned the bill to the Senate on March 22, 2000, and the Senate concurred with the House version.<sup>12</sup> The General Assembly forwarded the bill to Governor Roy Barnes, who signed SB 346 into law on May 1, 2000.<sup>13</sup>

### *The Act*

The Act changes Code section 15-18-14 by taking out language that defined 'active practice of law,' 'break in service,' 'compensation of the district attorney,' 'LL.M. or S.J.D. degree,' 'prosecuting attorney,' and 'State.'<sup>14</sup> The Act adds language that provides the Prosecuting Attorneys' Council of the State of Georgia with various criteria to consider when authorizing additional assistant district attorneys, such as the case load, present staff, and resources available to each district attorney.<sup>15</sup> Additionally, the Act eliminates language listing the classes of attorneys and the minimum qualifications required for appointment or promotion to each class of attorney.<sup>16</sup> In its place, the Act adds that the Prosecuting Attorneys' Council of the State of Georgia must establish such guidelines for attorneys and qualifications, and it must base these guidelines

9. Compare SB 346 (SCS), 2000 Ga. Gen. Assem., with SB 346 (HCS), 2000 Ga. Gen. Assem.

10. Compare SB 346 (SCS), 2000 Ga. Gen. Assem., with SB 346 (HCS), 2000 Ga. Gen. Assem.

11. See Georgia House of Representatives Voting Record, SB 346 (Mar. 20, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

12. See Georgia Senate Voting Record, SB 326 (Mar. 22, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

13. See 2000 Ga. Laws 1521, § 5, at 1526.

14. Compare 1997 Ga. Laws 1319, § 6, at 1321-22 (formerly found at O.C.G.A. § 15-18-14(a) (1999)), with O.C.G.A. § 15-18-14(a) (Supp. 2000).

15. Compare 1999 Ga. Laws 365, § 2, at 365-67 (formerly found at O.C.G.A. § 15-18-14(b) (1999)), with O.C.G.A. § 15-18-14(b) (Supp. 2000).

16. Compare 1984 Ga. Laws 1182, § 1, at 1186-87 (formerly found at O.C.G.A. § 15-18-14(c) (1999)), with O.C.G.A. § 15-18-14(c) (Supp. 2000).

on education, training, and experience, and in accordance with the provisions of Code sections 15-18-21 and 15-18-19(c).<sup>17</sup>

Furthermore, the Act removes language that based attorney compensation on Code section 15-18-14, and it includes language that compensates attorneys based on a salary schedule established in accordance with subsection (e) of Code section 15-18-19.<sup>18</sup> Additionally, the Act eliminates requirements that applied to attorney appointment, including which entry-position to which attorneys shall be appointed in their duties as assistant district attorneys, and for what salary step certain attorneys were qualified.<sup>19</sup> The Act clarifies Code section 15-18-14 to include language that lawyers who are awarded an LL.M. or S.J.D. degree, by a law school recognized by the State Bar of Georgia or by a law school accredited by the American Bar Association or the Association of American Law Schools, to advance two salary steps under certain circumstances.<sup>20</sup>

The Act amends Code section 15-18-14.1 by setting forth the criteria that the Prosecuting Attorneys' Council of the State of Georgia shall consider when authorizing additional district attorney investigators.<sup>21</sup> Such considerations include "the caseload, present staff, and resources available to each district attorney," and whether such authorizations contribute to the efficiency and effectiveness of individual district attorneys and prosecuting attorneys "throughout the state in their efforts against criminal activity in the state."<sup>22</sup> Additionally, the Act removes language defining 'break in service' as "a separation from service on a full-time basis as . . . an employee of the State of Georgia for a period of six months or more."<sup>23</sup>

17. Compare 1984 Ga. Laws 1182, § 1, at 1186-87 (formerly found at O.C.G.A. § 15-18-14(c) (1999)), with O.C.G.A. § 15-18-14(c) (Supp. 2000).

18. Compare 1984 Ga. Laws 1182, § 1, at 1187-88 (formerly found at O.C.G.A. § 15-18-14(d) (1999)), with O.C.G.A. § 15-18-14(d) (Supp. 2000).

19. Compare 1984 Ga. Laws 1182, § 1, at 1188-89 (formerly found at O.C.G.A. § 15-18-14(f) (1999)), with O.C.G.A. § 15-18-14(f) (Supp. 2000).

20. Compare 1986 Ga. Laws 203, §§ 1-3, at 203-04 (formerly found at O.C.G.A. § 15-18-14(h)(3) (1999)), with O.C.G.A. § 15-18-14(e)(3) (Supp. 2000).

21. Compare 1987 Ga. Laws 1337, § 1, at 1337 (formerly found at O.C.G.A. § 15-18-14.1(a) (1999)), with O.C.G.A. § 15-18-14.1(a) (Supp. 2000).

22. Compare 1987 Ga. Laws 1337, § 1, at 1337 (formerly found at O.C.G.A. § 15-18-14.1(a) (1999)), with O.C.G.A. § 15-18-14.1(a) (Supp. 2000).

23. Compare 1997 Ga. Laws 1320, § 6, at 1321-23 (formerly found at O.C.G.A. § 15-18-14(a) (1999)), with O.C.G.A. § 15-18-14 (Supp. 2000).

The Act also revises employment personnel sections of Code section 15-18-17.<sup>24</sup> The Act deletes language authorizing each district attorney to employ two legal secretaries, and in its place, inserts language authorizing each district attorney “to employ such administrative, clerical, and paraprofessional personnel as may be authorized by the Prosecuting Attorneys’ Council of the State of Georgia based on funds appropriated by the General Assembly or otherwise available . . . .”<sup>25</sup> Additionally, the Act changes “legal secretaries” to “personnel” when discussing compensation based on a salary schedule developed in accordance with Code section 15-18-19.<sup>26</sup> The Act removes language regarding various secretarial positions and their analogous salary steps.<sup>27</sup> Finally, the Act adds language to Code section 15-18-20 to ensure that personnel employed by the district attorney, pursuant to Code section 15-18-20, serve at the pleasure of the district attorney.<sup>28</sup>

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24. Compare 1997 Ga. Laws 1320, § 10, at 1328-29 (formerly found at O.C.G.A. § 15-18-17(a) (1999)), with O.C.G.A. § 15-18-17(a) (Supp. 2000).

25. Compare 1997 Ga. Laws 1320, § 10, at 1328-29 (formerly found at O.C.G.A. § 15-18-17(a) (1999)), with O.C.G.A. § 15-18-17(a) (Supp. 2000).

26. Compare 1997 Ga. Laws 1320, § 10, at 1328-29 (formerly found at O.C.G.A. § 15-18-17(b) (1999)), with O.C.G.A. § 15-18-17(b) (Supp. 2000).

27. Compare 1997 Ga. Laws 1320, § 10, at 1328-29 (formerly found at O.C.G.A. § 15-18-17(b) (1999)), with O.C.G.A. § 15-18-17(b) (Supp. 2000).

28. Compare 1992 Ga. Laws 1320, § 10, at 1328-29 (formerly found at O.C.G.A. § 15-18-20(b) (1999)), with O.C.G.A. § 15-18-20(b) (Supp. 2000).