



## 2026 PAQC Legislative Update 4/8/2026

All bills listed have passed the General Assembly and have been sent to the Governor for signature. No bills except AFY26 have been signed.

AFY26 is in effect. Unless vetoed, SB 218, SB 216, and FY27 go into effect July 1, 2026.

Unless vetoed, SB 605 goes into effect either upon the Governor's signature or May 12, 2026, whichever is earlier.

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Underlined text is new text added to the statute. ~~Text that has been struck through~~ is text that exists currently in the statute but is removed upon the bill taking effect.

**O.C.G.A. § 15-18-32** Prosecuting Attorneys Qualifications Commission; authority; membership; ex parte communications; governance; disciplinary actions; confidentiality; privileged nature.

(a) Pursuant to Article VI, Section VIII, Paragraph II of the Constitution of Georgia in reference to district attorneys and Article 3 of this chapter in reference to solicitors-general of state courts, there is hereby created the Prosecuting Attorneys Qualifications Commission, which shall have the power to discipline, remove, and cause involuntary retirement of appointed or elected district attorneys or solicitors-general in accordance with such Paragraph. As used in this Code section, the term “commission” means the Prosecuting Attorneys Qualifications Commission.

(b) The commission shall consist of eight members.

(c)

(1) The commission shall be divided into a five-member investigative panel and a three-member hearing panel.

(2) The investigative panel shall be responsible for:

A) The investigative, prosecutorial, and administrative functions of the commission;

(B) Investigation of alleged conduct constituting grounds for discipline under subsection (h) of this Code section;

(C) The selection of an individual to serve as the director of the commission who shall be an active status member of the State Bar of Georgia and who shall not engage in the practice of law, other than to represent the commission; and

(D) Authorization of employment of such additional staff as the commission deems necessary to carry out the powers assigned to the commission.

(3) The hearing panel shall be responsible for:

(A) Adjudicating formal charges filed by the investigative panel;

(B) Issuing disciplinary and incapacity orders;

(C) Issuing formal advisory opinions on its own initiative or on the recommendation of the investigative panel regarding the grounds for discipline set forth under subsection (h) of this Code section; and

(D) Issuing standards on its own initiative or on the recommendation of the investigative panel. Any such standards shall elaborate, define, or provide context for the grounds for discipline as set forth in subsection (h) of this Code section.

(d)

(1) As used in this subsection, the term:

(A) “Attorney” means a lawyer who has been an active status member of the State Bar of Georgia for at least ten years and is a registered voter in this state.

(B) “Judge” means an elected or appointed public official who presides over a court of record.

(2) The Prosecuting Attorneys’ Council of the State of Georgia may recommend to the respective appointing authorities a list of the names of individuals for consideration to serve as attorney commission members.

(3)

(A) The five members of the commission’s investigative panel shall be appointed as follows:

(i) One attorney with prosecutorial experience as an elected district attorney or elected solicitor-general shall be appointed by the Governor and shall serve a term of four years; provided, however, that the initial appointment shall be for three years, and thereafter, successors to such member shall serve terms of four years;

(ii) One attorney with at least five years of service as an assistant district attorney or an assistant solicitor-general shall be appointed by the Lieutenant Governor and shall serve a term of four years; provided, however, that the initial appointment shall be for two years, and thereafter, successors to such member shall serve terms of four years;

(iii) Two practicing attorneys shall be appointed by the Speaker of the House of Representatives and each shall serve terms of four years; provided, however, that the initial appointment of one attorney member as designated by the Speaker of the House of Representatives shall be for four years and the initial appointment of the other attorney member as designated by the Speaker of the House of Representatives shall be for one year, and thereafter, successors to such members shall serve terms of four years; and

(iv) One attorney with at least five years of service as an assistant district attorney or an assistant solicitor-general shall be appointed by the Senate Committee on Assignments and shall serve a term of four years; provided, however, that the initial appointment shall be for three years, and thereafter, successors to such member shall serve terms of four years.

(B) The investigative panel members shall annually elect a chairperson and vice chairperson for such panel.

(4) The three members of the commission's hearing panel shall be appointed as follows:

(A) One elected district attorney or elected solicitor-general shall be appointed by the Governor for a term of four years and his or her successors shall serve terms of four years; provided, however, that the initial appointment shall be for three years, and thereafter, successors to such member shall serve terms of four years;

(B) One elected district attorney or elected solicitor-general shall be appointed by the Senate Committee on Assignments and shall be the presiding officer of the hearing panel and shall serve a term of four years; provided, however, that the initial appointment shall be for one year, and thereafter, successors to such member shall serve terms of four years; and

(C) One former judge of the superior court or Court of Appeals or former Justice who shall have at least ten years of service as a judge or Justice and has formerly been a district attorney or a solicitor-general shall be appointed by the Speaker of the House of Representatives and shall serve a term of four years; provided, however, that the initial appointment shall be for three years, and thereafter, successors to such member shall serve terms of four years.

(5) All members shall be appointed by and their initial terms shall begin on July 1, 2023; provided, however, that the initial term of a member under this paragraph shall not be construed as counting toward the limit of two full terms of service as provided for under paragraph (6) of this subsection.

(6) A commission member shall be eligible to serve so long as he or she retains his or her status as an attorney, citizen, or district attorney, but a vacancy shall be created by operation of law when he or she no longer has the designation for which he or she was appointed. Any vacancy for a member shall be filled by the appointing authority, and such appointee shall serve the balance of the vacating member's unexpired term; provided, however, that, if the appointing authority fails to fill a vacancy within 60 days of being notified of such vacancy by the commission, the Governor shall appoint a replacement member from the same category of member. Any member of the commission shall serve no more than two full terms.

(e) Members and staff of the hearing panel shall not engage in any ex parte communications regarding a disciplinary or incapacity matter of a district attorney or solicitor-general, including with members and staff of the investigative panel.

(f)

(1) Each member of the commission shall be entitled to vote on any matter coming before his or her respective panel unless otherwise provided by rules adopted by the commission concerning recusal. The chairperson of the investigative panel and the presiding officer of the hearing panel shall retain a vote on all matters except those in which such chairperson or presiding officer has been recused. No commission member present at a panel meeting shall abstain from voting unless he or she is recused. The rules of the commission shall establish grounds for recusal and the process for allowing a temporary replacement of a commission member in such circumstance.

(2)

(A) As used in this paragraph, the term “for cause” shall include indictment for or conviction of a felony or any offense involving moral turpitude; misconduct, malpractice, malfeasance, misfeasance, nonfeasance, or incapacity; failure to attend three or more panel meetings or hearings in a one-year period without good and sufficient reason; or abstaining from voting, unless recused.

(B) Removal of a panel member for cause shall be by a unanimous vote of all members of the commission; provided, however, that the panel member who is the subject of the vote shall not vote.

(3) A quorum of the investigative panel shall require any three members of such panel.

(4)

(A) Members of the commission shall serve without compensation but shall receive the same daily expense allowance as members of the General Assembly receive, as set forth in Code Section 28-1-8, for each day such member is in physical attendance at a panel meeting or hearing, plus either reimbursement for actual transportation costs while traveling by public transportation or the same mileage allowance for use of a personal motor vehicle in connection with such attendance as members of the General Assembly receive, subject to subparagraph (B) of this paragraph. (B) Members of the commission who:

(i) Are not subject to the provisions of division (ii) of this subparagraph shall receive the daily expense allowance and travel reimbursement provided for in subparagraph (A) of this paragraph from funds appropriated or otherwise available to the judicial branch of state government; or

(ii) Pursuant to the terms and conditions of their official position, employment, or contract with the state, are eligible to receive a daily expense allowance and travel allowance for their service on the

commission shall not receive daily expense allowance and travel reimbursement provided for in subparagraph (A) of this paragraph  
~~Notwithstanding subparagraph (A) of this paragraph, no member shall receive such expense allowance or travel reimbursement if he or she is entitled to receive an expense allowance, travel reimbursement, or salary for performance of duties as a state employee.~~

(C) Expense allowances and travel reimbursements shall be paid from ~~moneys~~ funds appropriated or otherwise available to the ~~commission~~ judicial branch of state government.

(g) The commission, with the assistance of the Prosecuting Attorneys' Council of the State of Georgia, shall promulgate standards of conduct and rules for the commission's governance which will comport with due process and enforce the provisions of subsections (h) and (i) of this Code section. Such standards and rules shall allow for a full investigation of a district attorney or solicitor-general only upon majority vote of the investigative panel. When a commission member receives information relating to the conduct of a district attorney or solicitor-general, such member shall provide such information to the commission's director for appropriate action.

(h) The following shall be grounds for discipline of a district attorney or solicitor-general or for his or her removal or involuntary retirement from office:

(1) Mental or physical incapacity interfering with the performance of his or her duties which is, or is likely to become, permanent;

(2) Willful misconduct in office;

(3) With respect to district attorneys, willful and persistent failure to carry out duties pursuant to Code Section 15-18-6;

(4) With respect to solicitors-general, willful and persistent failure to carry out duties pursuant to Code Section 15-18-66;

(5) Conviction of a crime involving moral turpitude;

(6) Conduct prejudicial to the administration of justice which brings the office into disrepute; or

(7) Failure to make reasonable efforts to strictly comply with the 'Crime Victims' Bill of Rights' set forth in Chapter 17 of Title 17;

(8) Failure to make reasonable efforts to comply with Article 4 of Chapter 18 of Title 50, relating to inspection of public records;

(9) Knowingly authorizing or making a decision based upon any of the factors outlined in paragraph (2) of subsection (i) of this Code section;

(10) Failure to make reasonable efforts to comply with Chapter 16 of Title 17, relating to discovery in criminal procedure;

(11) Failure to make reasonable efforts to comply with the Georgia Rules of Professional Conduct of the State Bar of Georgia; specifically, but not limited to, Rule 3.8 related to special responsibilities of a prosecutor; or

(12) Knowingly authorizing or permitting an assistant district attorney or assistant solicitor-general to commit any act constituting grounds for removal under paragraphs (1) through ~~(6)~~ (11) of this subsection.

(i)

(1) In any complaint filed with the commission alleging a violation of subsection (h) of this Code section and requesting an investigation of an elected or appointed district attorney or solicitor-general, the complainant shall be required to file with the commission a sworn affidavit detailing the personal knowledge of the facts supporting the complaint, including any interest the complainant may have in the outcome of the case. The complainant may attach documents to support the complaint. Nothing in this Code section shall be construed to limit the ability of the commission to bring a complaint pursuant to this Code section on its own motion.

(2) The commission may not entertain a complaint on the basis of a charging decision, plea offer, opposition to or grant of a continuance, placement of a case on a trial calendar, or recommendation regarding bond unless the affidavits and any documents attached to the complaint show it is plausible that the district attorney or solicitor-general made or knowingly authorized the decision based on:

(A) Undue bias or prejudice against the accused or in favor of persons with interests adverse to the accused;

(B) An undisclosed financial interest in the outcome of the prosecution;

(C) An undisclosed conflict of interest;

(D) Factors that are completely unrelated to the duties of prosecution; or

(E) A stated policy, written or otherwise, which demonstrates that the district attorney or solicitor-general categorically refuses to prosecute any offense or offenses of which he or she is required by law to prosecute.

(3) Upon indictment of a district attorney or solicitor-general of a matter before either panel, the commission shall suspend its investigation or hearing pending the outcome of the procedure provided for in Code Section 45-5-6.

(j)

(1) All information regarding a disciplinary or incapacity matter of a district attorney or solicitor-general shall be kept confidential by the investigative panel and commission staff before formal charges are filed; provided, however, that, if prior to filing formal charges ~~the judge~~ such district attorney or solicitor-general and investigative panel agree to a satisfactory disposition of a disciplinary matter other than by a private admonition or deferred discipline agreement, a report of such disposition shall be publicly filed in the Supreme Court.

(k) Notwithstanding subsection (j) of this Code section, information regarding a disciplinary or incapacity matter of a district attorney or solicitor-general may be disclosed or the confidentiality of such information may be removed when:

(1) The privilege of confidentiality has been waived by the complainant or the individual who was the subject of the commission's investigation; ~~or~~

(2) The commission's rules provide for disclosure:

(A) In the interest of justice and to protect the public;

(B) If an emergency situation exists; or (C) If a district attorney or solicitor-general is under consideration for another state or federal position;

(3) A complaint is dismissed at any stage; provided, however, that such disclosure shall be limited to disclosing the reason for such dismissal to the complainant; or

(4) A complaint is dismissed prior to an authorization of formal investigation; provided, however, that such disclosure shall be limited to disclosing the statutory basis for such complaint to the individual who was the subject of the complaint; and, provided, further, that such disclosure shall not include the complainant's identity or the specifics of the allegation.

(l) Information submitted to the commission or its staff, and testimony given in any proceeding before the commission or one of its panels, shall be absolutely privileged, and no civil action predicated upon such information or testimony shall be instituted against any complainant, witness, or his or her counsel.

~~(m) A respondent may appeal the decision of the hearing panel by submitting a petition to the superior court of the county where such respondent served as a district attorney or solicitor-general. The hearing panel's order in a disciplinary or incapacity matter may be appealed to the superior court of the county where the respondent resides. Any decision rendered by the superior court shall be subject to review by the Court of Appeals or Supreme Court, as jurisdictionally appropriate.~~

(M.1) A respondent who is subjected to public reprimand, censure, limitation on the performance of prosecutorial duties, suspension, retirement, or removal shall be entitled to a copy of the proposed record to be filed with the Supreme Court and, if the respondent has objections to it, to have the record settled by the hearing panel's presiding officer. The hearing panel's order in a disciplinary or incapacity matter may be appealed to the Superior Court of Fulton County pursuant to Chapter 3 of Title 5.

(n) The commission shall commence by July 1, 2023 , ~~and the rules and regulations promulgated by such commission shall be established no later than October 1, 2023. No complaint shall be filed before October 1, 2023.~~ The commission shall not receive complaint submissions regarding misconduct in office that occurred prior to ~~May 5, 2023~~ April 1, 2024 , unless such alleged misconduct is related to a continuous pattern of conduct that continues beyond that date.

(o) The authority of the commission shall be limited to incapacity or discipline regarding the conduct of a district attorney or solicitor-general as a holder of such office. Nothing in this Code section shall be construed as diminishing the authority of the Supreme Court or the State Bar of Georgia to regulate the practice of law in this state.

(p) In the event that a district attorney or solicitor-general is removed or involuntarily retired pursuant to this Code section, such individual shall be disqualified from being appointed or elected to the office of district attorney of any judicial circuit or to the office of solicitor-general of any county of this state for a period of ten years from the date of such removal or involuntary retirement.

(q) The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided, however, that the commission shall be assigned for administrative purposes only to the Administrative Office of the Courts.

(r) The individual selected to serve as director of the commission may be designated with the title of executive director by the commission.

CHAPTER 26

O.C.G.A. § 15-26-1. As used in this chapter, the term:

- (1) 'Commission' means the Prosecuting Attorneys Qualifications Commission.
- (2) 'Special commission investigator' means an individual employed by the commission to conduct investigations by the commission and who is currently certified by the Georgia Peace Officer Standards and Training Council as having met the qualifications and having completed the basic training requirements for a peace officer under Chapter 8 of Title 35.

O.C.G.A. § 15-26-2.

- (a) The commission may employ investigators and special commission investigators to conduct investigations by the commission.
- (b) A special commission investigator shall have the power of arrest in the performance of his or her duties for the commission for crimes that:
  - (1) Are committed within the special commission investigator's presence;
  - (2) Are committed within the building, parking area, or curtilage of a building where the commission's office is located; within any building, parking area, or curtilage of a building where an official meeting or hearing of the commission is being conducted; or while traveling to or from such area; and
  - (3) Involve the person, building, vehicle, or other personal property of any member or employee of the commission, or the person, vehicle, or other personal property of any individual attending a meeting or hearing of the commission or traveling to or from such area.
- (c) Nothing in this Code section shall be construed to:
  - (1) Confer the power of arrest for crimes that may be under investigation by the commission but which are not provided for in subsection (b) of this Code section; or
  - (2) Affect or limit the powers or authority of investigators employed by any district attorney's office, any solicitor-general's office, the Prosecuting Attorneys' Council of the State of Georgia, or any sheriff or sheriff's deputy.

O.C.G.A. § 15-26-3.

(a) A subpoena shall state that it is issued by the commission and the title of the proceeding and shall command each person to whom it is directed to attend and give testimony or produce evidence at a time and place specified by the subpoena.

(b) A clerk of court shall make subpoenas in blank available on demand by electronic or other means to parties, or their counsel, or to the commission.

(c) An attorney representing a party in a proceeding before the commission, including investigative proceedings and hearings, may issue and sign a subpoena obtained by electronic or other means from the clerk of court as an officer of a court for any deposition, hearing, or other matter to be conducted in conjunction with such proceeding.

(d) A duly appointed officer or director of the commission may compel by subpoena the attendance of individuals at a proceeding before the commission, including investigative proceedings and hearings, and the production of pertinent books, papers, and documents for any deposition, hearing, or other matter to be conducted in conjunction with such proceeding.

(e) A subpoena shall be completed prior to being served.

(f) Subpoenas are enforceable as provided in Code Section 24-13-26.

(g) Subpoena fees and costs shall be the same as those provided for in proceedings in superior court.

(h) An individual who misuses a subpoena shall be subject to punishment for contempt of court and a fine of not more than \$300.00 or not more than 20 days' imprisonment, or both, in the superior court in the county in which the attendance or production is required.

(i) Any attack on the validity of a subpoena shall be heard and determined by the body before which the matter is then pending or by the court wherein enforcement of the subpoena is being sought. Any resulting order is not appealable prior to entry of a final order in the proceeding, except appeal of a court order pursuant to the interlocutory appeal procedures set forth in subsection (b) of Code Section 5-6-34.

O.C.G.A. § 47-23-43.2

(a) On and after July 1, 2026, each individual employed pursuant to subparagraph (c)(2)(C) of Code Section 15-18-32 shall become a member of this retirement system; provided, however, that each individual so employed as of June 30, 2026, who is not already a member of this retirement system, shall remain a member of the Employees' Retirement System of Georgia unless he or she elects to become a member of this retirement system on or before June 30, 2027, notifies the board of such election, and pays to the retirement system the remaining amount necessary to pay for the full actuarial cost to the retirement system associated with his or her transfer of service. Upon such election and payment, such an individual shall become a member of this retirement system, the Employees' Retirement System of Georgia shall transfer to this retirement system all employer and employee contributions paid by or on behalf of him or her together with regular interest thereon, and he or she shall receive service in this retirement system toward vesting only in the full amount of the service he or she rendered as an employee while he or she was a member of the Employees' Retirement System of Georgia and for which credit was allowable in such system.

(b) The provisions of this Code section shall only apply to or affect individuals who are employed on or after July 1, 2026, pursuant to subparagraph (c)(2)(C) of Code Section 15-18-32. Members of this retirement system who are so employed shall be subject to all provisions of this chapter applicable to solicitors-general of the state courts, except as otherwise specifically provided by this chapter. For the purposes of this retirement system, for each such member, his or her earnable monthly compensation shall be the full rate of regular monthly compensation paid from state funds to such member employee for his or her full working time.

AFY 2026

**Prosecuting Attorneys Qualifications Commission**

**Continuation Budget**

The purpose of this appropriation is to carry out the duties associated with investigative and hearing panels on the conduct of district attorneys and solicitors general, as well as funding administrative personnel and operations.

2/25/2026

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Drafted by Senate Budget and Evaluation Office

**HB 973 (FY 2026A)**

	Governor	House	Senate	CC
TOTAL STATE FUNDS	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000
State General Funds	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000
TOTAL PUBLIC FUNDS	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000

**18.1** Increase funds to provide a one-time salary supplement of \$2,000 to full-time, regular state employees. (S:Increase funds to provide a one-time salary supplement of \$1,250 to full-time, regular state employees)(CC:Increase funds to provide a one-time salary supplement of \$2,000 to full-time, regular state employees)

State General Funds	\$8,614	\$5,384	\$6,459
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**18.2** Reduce funds to reflect a reduction in the employer contribution rate for the State Health Benefit Plan from 29.454% to 20.264% effective June 1, 2026. (CC:Reduce funds to reflect a reduction in the employer contribution rate for the State Health Benefit Plan from 29.454% to 20.264% effective May 1, 2026)

State General Funds	(\$1,467)	(\$1,467)	(\$2,934)
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**18.1000 Prosecuting Attorneys Qualifications Commission**

**Appropriation (HB 973)**

The purpose of this appropriation is to carry out the duties associated with investigative and hearing panels on the conduct of district attorneys and solicitors general, as well as funding administrative personnel and operations.

TOTAL STATE FUNDS	\$1,125,000	\$1,132,147	\$1,128,917	\$1,128,525
State General Funds	\$1,125,000	\$1,132,147	\$1,128,917	\$1,128,525
TOTAL PUBLIC FUNDS	\$1,125,000	\$1,132,147	\$1,128,917	\$1,128,525

FY 2027

Governor's House Senate Conference

	HB 68								
<b>6.6 Prosecuting Attorneys Qualifications Commission</b>	HB 68	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000	\$1,125,000
6.6.1 <sup>(S)</sup> Reduce funds to reflect a reduction in the employer contribution rate for the State Health Benefit Plan from 29.454% to 20.264%.		-	-	(\$24,506)	(\$24,506)	(\$24,506)	(\$24,506)	(\$24,506)	(\$24,506)
6.6.2 <sup>(S)</sup> Increase funds to reflect an additional 2.92% increase in the employer contribution for the Employees' Retirement System.		-	-	-	-	-	-	\$10,789	\$10,789
	Program Net	\$0	\$0	(\$24,506)	(\$24,506)	(\$24,506)	(\$24,506)	(\$13,717)	(\$13,717)
	HB 974	\$1,125,000	\$1,125,000	\$1,100,494	\$1,100,494	\$1,100,494	\$1,100,494	\$1,111,283	\$1,111,283

## Georgia Rules of Professional Conduct of the State Bar of Georgia; Rule 3.8

### Rule 3.8. Special Responsibilities of a Prosecutor.

The prosecutor in a criminal case shall:

- (a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;
- (b) refrain from making any effort to prevent the accused from exercising a reasonable effort to obtain counsel;
- (c) comply with Rule 4.2;
- (d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or that mitigates the offense;
- (e) exercise reasonable care to prevent persons who are under the direct supervision of the prosecutor from making an extrajudicial statement that the prosecutor would be prohibited from making under paragraph (g) of this Rule;
- (f) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:
  - (1) the information sought is not protected from disclosure by any applicable privilege;
  - (2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and
  - (3) there is no other feasible alternative to obtain the information.
- (g) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused;
- (h) promptly disclose new, credible, and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted to an appropriate court or authority. If the conviction was obtained in the prosecutor's jurisdiction, the prosecutor shall promptly disclose that evidence to the defendant unless a court authorizes delay and undertake further investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit;
- (i) seek to remedy a conviction obtained in the prosecutor's jurisdiction when the prosecutor knows of clear and convincing evidence establishing that a defendant did not commit the offense.

The maximum penalty for a violation of this Rule is disbarment.

#### COMMENT

*[1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate and varies in different jurisdictions. Many jurisdictions have adopted the ABA Standards of Criminal Justice Relating to the Prosecution Function, which in turn are the product of prolonged and careful deliberation by lawyers experienced in both criminal prosecution and defense. Applicable law may require other measures by the prosecutor and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4: Misconduct.*

*[2] Reserved.*

*[3] Reserved.*

*[4] Paragraph (f) is intended to limit the issuance of lawyer subpoenas in grand jury or other criminal proceedings to those situations in which there is a genuine need to intrude into the client-lawyer relationship.*

*[5] Paragraph (g) supplements Rule 3.6: Trial Publicity, which prohibits extrajudicial statements that have a substantial likelihood of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor's extrajudicial statement can create the additional problem of increasing public condemnation of the accused. Although the announcement of an indictment, for example, will necessarily have severe consequences for the accused, a prosecutor can, and should, avoid comments which have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium of the accused. Nothing in this Comment is intended to restrict the statements which a prosecutor may make which comply with Rule 3.6 (b) or 3.6 (c): Trial Publicity.*

*[6] Reserved.*

*[7] When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a person outside the prosecutor's jurisdiction was convicted of a crime that the person did not commit, paragraph (h) requires prompt disclosure to the court or other appropriate authority, such as the chief prosecutor of the jurisdiction where the conviction occurred. If the conviction was obtained in the prosecutor's jurisdiction, paragraph (h) requires the prosecutor to examine the evidence and undertake further investigation to determine whether the defendant is in fact innocent or make reasonable efforts to cause another appropriate authority to undertake the necessary investigation, and to promptly disclose the evidence to the court and, absent court authorized delay, to the defendant. Consistent with the objectives of Rules 4.2 and 4.3, disclosure to a represented defendant must be made through the defendant's counsel, and, in the case of an unrepresented defendant, would ordinarily be accompanied by a request to a court for the appointment of counsel to assist the defendant in taking such legal measures as may be appropriate.*

*[8] Under paragraph (i), once the prosecutor knows of clear and convincing evidence that the defendant was convicted of an offense that the defendant did not commit, the prosecutor must seek to remedy the conviction. Necessary steps may include disclosure of the evidence to the defendant, requesting that the court appoint counsel for an unrepresented indigent defendant and, where appropriate, notifying the court that the prosecutor has knowledge that the defendant did not commit the offense of which the defendant was convicted.*

*[9] A prosecutor's independent judgment, made in good faith, that the new evidence is not of such nature as to trigger the obligations of paragraphs (h) and (i), though subsequently determined to have been erroneous, does not constitute a violation of this Rule.*

Ga. R. & Regs. St. Bar 3.8

Senate Bill 218

By: Senators Robertson of the 29th, Strickland of the 42nd, Gooch of the 51st, Walker III of the 20th, Bearden of the 30th and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 provide that the Prosecuting Attorneys Qualifications Commission shall be assigned for  
3 administrative purposes only to the Administrative Office of the Courts and shall be funded  
4 by funds appropriated or otherwise available to the judicial branch of state government; to  
5 provide for appeals from the decisions of hearing panels of the Prosecuting Attorneys  
6 Qualifications Commission; to revise the date before which certain complaints of misconduct  
7 shall be barred; to provide for executive director designation; to provide generally for  
8 constitutionally or statutorily created organizations funded through the judicial branch of  
9 state government expressly authorized by law to conduct investigations to provide for special  
10 commission investigators; to provide for limited powers of arrest for such special  
11 commission investigators; to provide for subpoenas; to provide for construction; to provide  
12 for definitions; to provide for related matters; to repeal conflicting laws; and for other  
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 218

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42 (C) Expense allowances and travel reimbursements shall be paid from ~~moneys~~ funds  
43 appropriated or otherwise available to the ~~commission~~ judicial branch of state  
44 government."

45 "(j)(1) All information regarding a disciplinary or incapacity matter of a district attorney  
46 or solicitor-general shall be kept confidential by the investigative panel and commission  
47 staff before formal charges are filed; provided, however, that, if prior to filing formal  
48 charges ~~the judge~~ such district attorney or solicitor-general and investigative panel agree  
49 to a satisfactory disposition of a disciplinary matter other than by a private admonition  
50 or deferred discipline agreement, a report of such disposition shall be publicly filed in the  
51 Supreme Court."

52 "(k) Notwithstanding subsection (j) of this Code section, information regarding a  
53 disciplinary or incapacity matter of a district attorney or solicitor-general may be disclosed  
54 or the confidentiality of such information may be removed when:

55 (1) The privilege of confidentiality has been waived by the complainant or the individual  
56 who was the subject of the commission's investigation; or

57 (2) The commission's rules provide for disclosure:

58 (A) In the interest of justice and to protect the public;

59 (B) If an emergency situation exists; or

60 (C) If a district attorney or solicitor-general is under consideration for another state or  
61 federal position;

62 (3) A complaint is dismissed at any stage; provided, however, that such disclosure shall  
63 be limited to disclosing the reason for such dismissal to the complainant; or

64 (4) A complaint is dismissed prior to an authorization of formal investigation; provided,  
65 however, that such disclosure shall be limited to disclosing the statutory basis for such  
66 complaint to the individual who was the subject of the complaint; and, provided, further,  
67 that such disclosure shall not include the complainant's identity or the specifics of the  
68 allegation."

69 ~~“(m) A respondent may appeal the decision of the hearing panel by submitting a petition~~  
 70 ~~to the superior court of the county where such respondent served as a district attorney or~~  
 71 ~~solicitor-general. The hearing panel's order in a disciplinary or incapacity matter may be~~  
 72 ~~appealed to the superior court of the county where the respondent resides. Any decision~~  
 73 ~~rendered by the superior court shall be subject to review by the Court of Appeals or~~  
 74 ~~Supreme Court, as jurisdictionally appropriate.~~

75 (m.1) A respondent who is subjected to public reprimand, censure, limitation on the  
 76 performance of prosecutorial duties, suspension, retirement, or removal shall be entitled  
 77 to a copy of the proposed record to be filed with the Supreme Court and, if the respondent  
 78 has objections to it, to have the record settled by the hearing panel's presiding officer. The  
 79 hearing panel's order in a disciplinary or incapacity matter may be appealed to the Superior  
 80 Court of Fulton County pursuant to Chapter 3 of Title 5.

81 ~~(n) The commission shall commence by July 1, 2023, and the rules and regulations~~  
 82 ~~promulgated by such commission shall be established no later than October 1, 2023. No~~  
 83 ~~complaint shall be filed before October 1, 2023. The commission shall not receive~~  
 84 ~~complaint submissions regarding misconduct in office that occurred prior to May 5, 2023~~  
 85 ~~April 1, 2024, unless such alleged misconduct is related to a continuous pattern of conduct~~  
 86 ~~that continues beyond that date.”~~

87 ~~“(q) The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12~~  
 88 ~~of Title 45, the 'Budget Act'; provided, however, that the commission shall be assigned for~~  
 89 ~~administrative purposes only to the Administrative Office of the Courts.~~

90 ~~(r) The individual selected to serve as director of the commission may be designated with~~  
 91 ~~the title of executive director by the commission.”~~

92 **SECTION 2.**

93 Said title is further amended by adding a new chapter to read as follows:

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94

"CHAPTER 2695 15-26-1.96 As used in this chapter, the term:97 (1) 'Commission' means the Prosecuting Attorneys Qualifications Commission.

98 (2) 'Special commission investigator' means an individual employed by the commission  
99 to conduct investigations by the commission and who is currently certified by the Georgia  
100 Peace Officer Standards and Training Council as having met the qualifications and  
101 having completed the basic training requirements for a peace officer under Chapter 8 of  
102 Title 35.

103 15-26-2.

104 (a) The commission may employ investigators and special commission investigators to  
105 conduct investigations by the commission.

106 (b) A special commission investigator shall have the power of arrest in the performance  
107 of his or her duties for the commission for crimes that:

108 (1) Are committed within the special commission investigator's presence;

109 (2) Are committed within the building, parking area, or curtilage of a building where the  
110 commission's office is located; within any building, parking area, or curtilage of a  
111 building where an official meeting or hearing of the commission is being conducted; or  
112 while traveling to or from such area; and

113 (3) Involve the person, building, vehicle, or other personal property of any member or  
114 employee of the commission, or the person, vehicle, or other personal property of any  
115 individual attending a meeting or hearing of the commission or traveling to or from such  
116 area.

117 (c) Nothing in this Code section shall be construed to:

118 (1) Confer the power of arrest for crimes that may be under investigation by the  
119 commission but which are not provided for in subsection (b) of this Code section; or  
120 (2) Affect or limit the powers or authority of investigators employed by any district  
121 attorney's office, any solicitor-general's office, the Prosecuting Attorneys' Council of the  
122 State of Georgia, or any sheriff or sheriff's deputy.

123 15-26-3.

124 (a) A subpoena shall state that it is issued by the commission and the title of the  
125 proceeding and shall command each person to whom it is directed to attend and give  
126 testimony or produce evidence at a time and place specified by the subpoena.

127 (b) A clerk of court shall make subpoenas in blank available on demand by electronic or  
128 other means to parties, or their counsel, or to the commission.

129 (c) An attorney representing a party in a proceeding before the commission, including  
130 investigative proceedings and hearings, may issue and sign a subpoena obtained by  
131 electronic or other means from the clerk of court as an officer of a court for any deposition,  
132 hearing, or other matter to be conducted in conjunction with such proceeding.

133 (d) A duly appointed officer or director of the commission may compel by subpoena the  
134 attendance of individuals at a proceeding before the commission, including investigative  
135 proceedings and hearings, and the production of pertinent books, papers, and documents  
136 for any deposition, hearing, or other matter to be conducted in conjunction with such  
137 proceeding.

138 (e) A subpoena shall be completed prior to being served.

139 (f) Subpoenas are enforceable as provided in Code Section 24-13-26.

140 (g) Subpoena fees and costs shall be the same as those provided for in proceedings in  
141 superior court.

142 (h) An individual who misuses a subpoena shall be subject to punishment for contempt of  
143 court and a fine of not more than \$300.00 or not more than 20 days' imprisonment, or both,  
144 in the superior court in the county in which the attendance or production is required.  
145 (i) Any attack on the validity of a subpoena shall be heard and determined by the body  
146 before which the matter is then pending or by the court wherein enforcement of the  
147 subpoena is being sought. Any resulting order is not appealable prior to entry of a final  
148 order in the proceeding, except appeal of a court order pursuant to the interlocutory appeal  
149 procedures set forth in subsection (b) of Code Section 5-6-34."

150 **SECTION 3.**

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

Senate Bill 605

By: Senators Cowsert of the 46th, Dolezal of the 27th and Gooch of the 51st

**AS PASSED SENATE**

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 for additional  
3 grounds for discipline of a district attorney or solicitor-general or for his or her removal or  
4 involuntary retirement from office; to provide for an effective date and applicability; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to  
9 general provisions regarding prosecuting attorneys, is amended by revising subsection (h)  
10 of Code Section 15-18-32, relating to Prosecuting Attorneys Qualifications Commission,  
11 authority, membership, ex parte communications, governance, disciplinary actions,  
12 confidentiality, and privileged nature, as follows:

13 "(h) The following shall be grounds for discipline of a district attorney or solicitor-general  
14 or for his or her removal or involuntary retirement from office:

15 (1) Mental or physical incapacity interfering with the performance of his or her duties  
16 which is, or is likely to become, permanent;

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- 17 (2) Willful misconduct in office;
- 18 (3) With respect to district attorneys, willful and persistent failure to carry out duties  
19 pursuant to Code Section 15-18-6;
- 20 (4) With respect to solicitors-general, willful and persistent failure to carry out duties  
21 pursuant to Code Section 15-18-66;
- 22 (5) Conviction of a crime involving moral turpitude;
- 23 (6) Conduct prejudicial to the administration of justice which brings the office into  
24 disrepute; ~~or~~
- 25 (7) Failure to make reasonable efforts to strictly comply with the 'Crime Victims' Bill of  
26 Rights' set forth in Chapter 17 of Title 17;
- 27 (8) Failure to make reasonable efforts to comply with Article 4 of Chapter 18 of Title 50,  
28 relating to inspection of public records;
- 29 (9) Knowingly authorizing or making a decision based upon any of the factors outlined  
30 in paragraph (2) of subsection (i) of this Code section;
- 31 (10) Failure to make reasonable efforts to comply with Chapter 16 of Title 17, relating  
32 to discovery in criminal procedure;
- 33 (11) Failure to make reasonable efforts to comply with the Georgia Rules of Professional  
34 Conduct of the State Bar of Georgia; specifically, but not limited to, Rule 3.8 related to  
35 special responsibilities of a prosecutor; or
- 36 (12) Knowingly authorizing or permitting an assistant district attorney or assistant  
37 solicitor-general to commit any act constituting grounds for removal under paragraphs (1)  
38 through ~~(6)~~ (11) of this subsection."

39 **SECTION 2.**

40 This Act shall become effective upon its approval by the Governor or upon its becoming law  
41 without such approval and shall apply to all disciplinary proceedings initiated on or after  
42 such date.

43

**SECTION 3.**

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

Senate Bill 216

By: Senators Robertson of the 29th, Tillery of the 19th, Strickland of the 42nd, Burns of the 23rd, Setzler of the 37th and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the  
2 Georgia Judicial Retirement System, so as to provide for membership in the system for  
3 individuals employed as the director of the Prosecuting Attorneys Qualifications  
4 Commission; to provide for an election for such current employees; to provide for transfer  
5 of funds; to provide for payment of actuarial costs; to provide for transfer of membership  
6 service; to provide for earnable monthly compensation for purposes of contributions and  
7 benefit amounts; to provide for applicability; to provide for related matters; to provide  
8 conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia  
13 Judicial Retirement System, is amended by adding a new Code section to read as follows:

14 "47-23-43.2.

15 (a) On and after July 1, 2026, each individual employed pursuant to subparagraph  
16 (c)(2)(C) of Code Section 15-18-32 shall become a member of this retirement system;

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17 provided, however, that each individual so employed as of June 30, 2026, who is not  
18 already a member of this retirement system, shall remain a member of the Employees'  
19 Retirement System of Georgia unless he or she elects to become a member of this  
20 retirement system on or before June 30, 2027, notifies the board of such election, and pays  
21 to the retirement system the remaining amount necessary to pay for the full actuarial cost  
22 to the retirement system associated with his or her transfer of service. Upon such election  
23 and payment, such an individual shall become a member of this retirement system, the  
24 Employees' Retirement System of Georgia shall transfer to this retirement system all  
25 employer and employee contributions paid by or on behalf of him or her together with  
26 regular interest thereon, and he or she shall receive service in this retirement system toward  
27 vesting only in the full amount of the service he or she rendered as an employee while he  
28 or she was a member of the Employees' Retirement System of Georgia and for which credit  
29 was allowable in such system.

30 (b) The provisions of this Code section shall only apply to or affect individuals who are  
31 employed on or after July 1, 2026, pursuant to subparagraph (c)(2)(C) of Code Section  
32 15-18-32. Members of this retirement system who are so employed shall be subject to all  
33 provisions of this chapter applicable to solicitors-general of the state courts, except as  
34 otherwise specifically provided by this chapter. For the purposes of this retirement system,  
35 for each such member, his or her earnable monthly compensation shall be the full rate of  
36 regular monthly compensation paid from state funds to such member employee for his or  
37 her full working time."

38 **SECTION 2.**

39 Said chapter is further amended in subsection (a) of Code Section 47-23-100, relating to  
40 salary defined, by striking "and" at the end of paragraph (5), replacing the period with "; and"  
41 at the end of paragraph (6), and adding a new paragraph to read as follows:

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42 "(7) For any member who is a member of the retirement system for whom the provisions  
43 of Code Section 47-23-43.2 are applicable, his or her average earnable monthly  
44 compensation."

45 **SECTION 3.**

46 This Act shall become effective on July 1, 2026, only if it is determined to have been  
47 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia  
48 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not  
49 become effective and shall be automatically repealed in its entirety on July 1, 2026, as  
50 required by subsection (a) of Code Section 47-20-50.

51 **SECTION 4.**

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