

House Bill 842 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 51st, Powell of the 171st, Bruce of the 61st, and Abrams of the 89th

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 style="text-align:center">**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

