

		
Policies & Procedures		Approved May 14, 2011; amended April 17, 2013; amended April 20, 2016
13.1	Miscellaneous Functions	Municipal & Probate Court Prosecuting Attorneys

1. Authority.

- (a) O.C.G.A. § 15-18-40, Prosecuting Attorneys’ Council, purpose and functions;
- (b) O.C.G.A. § 15-18-91, Prosecuting attorneys of municipal courts.¹
- (c) O.C.G.A. § 15-9-150, Prosecuting attorneys of probate courts.

2. Prosecuting Attorneys of Municipal Courts.

(a) Registration of office.

- (1) O.C.G.A. § 15-18-91(a) provides that any municipal governing authority that establishes the office of prosecuting attorney for the municipal court shall provide the Council with a copy of the resolution or ordinance creating such office.
- (2) The governing authority may comply with the provisions of O.C.G.A. § 15-18-91 by sending a copy of such resolution or ordinance, duly authenticated by the city clerk or other appropriate official having custody of the records of the municipality to the Council by mail, facsimile or electronic means to the following addresses:

Mail: 1590 Adamson Parkway, 4th Floor, Morrow, Georgia, 30260
 Facsimile: (770) 282-6368
 Email: info@ pacga.org

(b) Registration of Municipal Prosecuting Attorneys.

- (1) The municipal court clerk, or such other person designated by the governing authority of a municipality, is responsible for notifying the Council of the name of any person

¹ Enacted by Ga. L. 2012, p. 53.

		
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appointed to be the prosecuting attorney of a municipal court within 30 days of such appointment in accordance with O.C.G.A. § 15-18-91(b).

- (2) A municipality may comply with O.C.G.A. § 15-18-91(b) by completing the form for registration and sending it by mail, facsimile or electronic means to the following addresses:

Mail: 1590 Adamson Parkway, 4th Floor, Morrow, Georgia, 30260
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3. Prosecuting Attorneys of Probate Courts.²

- (a) Registry of prosecuting attorneys of probate court.

- (1) O.C.G.A. § 15-9-150(b) provides that if the district attorney for a judicial circuit is unable to prosecute cases in the probate court, the governing authority of the county may create the office of prosecuting attorney of the probate court. It further provides that a copy of the resolution or ordinance creating the office of prosecuting attorney of the probate court shall be provided to the Council.

² The Resolution approving the revision of Policy 13.1 provided that:

Section 3 of Policy 13.1 shall be effective only upon the approval by the Governor of an Act to amend Chapter 9 of Title 15 of the Official Code of Georgia, also known as SB120 of the 2013 Session of the General Assembly, or its becoming law without the approval of the Governor;

and

If the Governor vetoes the Act referred to in subsection (b) of this Section, Section 3 of Policy 13.1 shall stand repealed and said Section shall read “[Reserved].”

		
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- (2) The governing authority of the county may comply with the provisions of O.C.G.A. § 15-9-150(b) by sending a copy of such resolution or ordinance, duly authenticated by the clerk or other appropriate official having custody of the records of the county to the Council by mail, facsimile or electronic means to the following addresses:

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(b) Registration of Prosecuting Attorneys of Probate Courts.

- (1) The clerk of probate court is responsible for notifying the Council the name of any person appointed to be the prosecuting attorney of a municipal court within 30 days of such appointment in accordance with O.C.G.A. § 15-9-150(c).
- (2) The clerk of probate court may comply with O.C.G.A. § 15-9-150(c) by completing the form for registration and sending it by mail, facsimile or electronic means to the following addresses:

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4. It is the responsibility of the Administrative Division of the Council to maintain electronic copies of all documents received pursuant to this policy.
5. Eligibility of Municipal and Probate Court Prosecuting Attorneys for Training and Access to Council Resources.
- (a) Council training programs and resources are intended to assist the prosecuting attorneys of this state in their efforts against criminal activity within this state. The information which is made available to prosecuting attorneys by the Council is for official use only in

		
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representing the State of Georgia before the courts of this state or as otherwise specifically authorized by general law.

- (b) Prosecuting attorneys of a municipal or probate court are eligible to attend training programs conducted by the Council as provided by Council Policy 7.1 if the content of the training program is directly relevant to the prosecution of violations of the criminal laws of this state that the municipal or probate court has jurisdiction to try and dispose of.
- (c) The Council staff may provide research assistance to prosecuting attorneys of municipal and probate courts on issues that are directly related to the prosecution of violations of the criminal laws of this state that the municipal or probate court has jurisdiction to try and dispose of. The staff may not provide assistance on issues that arise out the enforcement of municipal or county ordinances.
- (d) Access to Council on-line resources is governed by Council Policy 6.2.
- (e) Any use of Council training materials or research assistance in the representation of another client whose interests are adverse to that of the State of Georgia in a matter in which the information could be used to the material disadvantage of the State shall be considered a violation of Rule 1.11 of the Georgia Rules of Professional Conduct.