

2018 Georgia Code

Title 17 - Criminal Procedure

Chapter 12 - Legal Defense for Indigents

Article 1 - Georgia Public Defender Council

§ 17-12-2. Definitions

Universal Citation: [GA Code § 17-12-2 \(2018\)](#)

As used in this chapter, the term:

- (1) "Assistant public defender" means an attorney who is employed by any circuit public defender.
- (2) "Circuit public defender" means the head of a public defender office providing indigent defense representation within any given judicial circuit of this state.
- (3) "Circuit public defender office" means the office of any of the several circuit public defenders.
- (4) "Council" means the Georgia Public Defender Council.
- (5) "Director" means the director of the Georgia Public Defender Council.
- (6) "Indigent person" or "indigent defendant" means:
 - (A) A person charged with a misdemeanor, violation of probation, or a municipal or county offense punishable by imprisonment who earns less than 100 percent of the federal poverty guidelines unless there is evidence that the person has other resources that might reasonably be used to employ a lawyer without undue hardship on the person or his or her dependents;
 - (B) A juvenile charged with a delinquent act or a violation of probation punishable by detention whose parents earn less than 125 percent of the federal poverty guidelines unless there is evidence that the juvenile or his or her parents have other resources that might reasonably be used to employ a lawyer without undue hardship on the juvenile, his or her parents, or the parent's dependents; and

- (C) A person charged with a felony who earns or, in the case of a juvenile, whose parents earn, less than 150 percent of the federal poverty guidelines unless there is evidence that the person has other resources that might reasonably be used to employ a lawyer without undue hardship on the person, his or her dependents, or, in the case of a juvenile, his or her parents or the parent's dependents.

In no case shall a person whose maximum income level exceeds 150 percent of the federal poverty level or, in the case of a juvenile, whose household income exceeds 150 percent of the federal poverty level be an indigent person or indigent defendant.

- (7) "Legislative oversight committee" means the Legislative Oversight Committee for the Georgia Public Defender Council.
- (8) "Public defender" means an attorney who is employed in a circuit public defender office or who represents an indigent person pursuant to this chapter.