

INDIGENT DEFENSE ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FANNIN COUNTY, GEORGIA:

Section 1. Application for Indigent Defense Services:

Each person lacking the financial ability to provide, for themselves, representation in his or her defense in criminal proceedings in the State Court, Magistrate Court or Probate Court of Fannin County, and desiring that the County provide such services to him or her, shall submit an application to the County requesting indigent defense representation and setting the specifics supporting their needs for such indigent representation. The application shall be submitted to the magistrate on a form approved by the governing authority of Fannin County.

Section 2. Application Fee:

Each applicant for indigent defense services shall pay an application fee of \$50.00 (fifty) to the Clerk of the Court in which indigent representation is being sought. Such fee must be paid either at the time the application is submitted or at the time the representation is provided.

Section 3. Waiver:

The fee required by Section 2 of this ordinance may be waived only upon order of the presiding judge scheduled to hear the case in which the applicant is seeking a waiver of the application fee. The judge may order a waiver of the fee only upon a finding by the court that the defendant is unable to pay the fee or that paying the fee would cause hardship to the defendant.

Section 4. Transfer of Funds:

Within ten (10) days after the end of each month, the Clerk of the Court in receipt of application fees required by Section 2 of this ordinance shall remit the total of all application fees collected during the previous month to the governing authority of the County.

Section 5. Separate Account:

The funds remitted to the governing authority pursuant to Section 4 of this ordinance, shall be maintained in a separate fund for “indigent defense services” and shall be expended only for the purpose of providing legal representation to indigent defendants in the State Court, Magistrate Court and Probate Court of Fannin County.

Section 6. Repealer:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed

Section 7. Effective Date:

This ordinance shall become effective on February 22, 2005.

Approved this date, February 22, 2005

Richard Vollrath MD Chairman

Diane Thomas Clerk