

House Bill 687

By: Representatives Squires of the 78th and Powell of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to clerks of the superior courts, so as to change the provisions relating to the Council
3 of Superior Court Clerks of Georgia; to provide for appointment of a director of the council;
4 to provide for duties and responsibilities of the director; to provide for funds for
5 compensating the director; to provide for funding adjunct services of the Council of Superior
6 Court Clerks of Georgia; to provide for the creation of the Georgia Court Clerk's Technology
7 Improvement Fund; to provide for allocation of funds; to provide for purposes, powers,
8 duties, practices, and procedures; to provide for expenditures; to provide for an effective
9 date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
13 clerks of the superior courts, is amended by striking subsection (d) of Code Section
14 15-6-50.2, relating to the Council of Superior Court Clerks of Georgia, and inserting new
15 subsections (d) and (f) to read as follows:

16 "(d)(1) The Council of Superior Court Clerks of Georgia shall be a legal entity and an
17 agency of the State of Georgia; shall have perpetual existence; may contract; may own
18 property; may accept funds, grants, and gifts from any public or private source for use in
19 defraying the expenses of the council; may adopt and use an official seal; may establish
20 a principal office; may employ such administrative or clerical personnel as may be
21 necessary and appropriate to fulfill its necessary duties; and shall have other powers,
22 privileges, and duties as may be reasonable and necessary for the proper fulfillment of
23 its purposes and duties.

24 (2) Subject to the approval of the council, the president of the council shall appoint an
25 executive officer who shall have the title of director of the council. Under the general

1 supervision of the president and within the policies established by the council, the
 2 director shall:

3 (A) Provide general administration of the council;

4 (B) Make recommendations to the council and clerks of the superior courts for
 5 improvement in court services;

6 (C) Assist the council and superior court clerks in effectuating the constitutional and
 7 statutory responsibilities conferred upon the council and clerks by law, with the
 8 expressed goal of furthering the improvement of the superior courts, the administration
 9 of justice, and assisting superior court clerks throughout the state in the proper
 10 execution of their duties;

11 (D) Provide administrative support to the Superior Court Clerks' Training Council of
 12 Georgia for the purposes of effectuating the provisions of Code Section 15-6-50.1 for
 13 the purpose of promoting and assisting in training of superior court clerks; and

14 (E) Perform such other duties as the council shall specify."

15 "(f) Subject to availability of funds, the council is authorized to provide support, services,
 16 and financial aid to clerks of the superior courts or, with consent of the executive board of
 17 the council, to any other court clerk of this state for the purpose of planning, creating,
 18 establishing, implementing, and maintaining systems for (1) developing, improving, and
 19 sustaining effective management and protection of archival court and land records of this
 20 state of which clerks of the respective courts are custodians; (2) promoting, improving, and
 21 sustaining service delivery within clerks' offices; and (3) providing training, equipment,
 22 programs, networks, and technological systems necessary for enabling, enhancing, and
 23 increasing electronic access to public records statewide."

24 SECTION 2.

25 Said article is further amended by adding a new Code Section 15-6-50.3 to read as follows:

26 "15-6-50.3.

27 (a) The Council of Superior Court Clerks of Georgia is authorized to establish the 'Georgia
 28 Court Clerk's Technology Improvement Fund' which shall be funded pursuant to the
 29 provisions of subsections (b), (c), and (d) of this Code section. All money provided for in
 30 this Code section that is received by the council shall be deemed to be trust funds to be held
 31 and applied solely for the purposes enumerated in subsections (d) and (f) of Code Section
 32 15-6-50.2.

33 (b) The sum of \$2.00 shall be allocated to the council from each fine collected and each
 34 bond forfeited and collected in any criminal or quasi-criminal case for violation of state
 35 law, including traffic laws, which case is before any court of this state in which a clerk of
 36 superior court serves by virtue of his or her office, provided that such fine or bond, which

1 shall be construed to include costs, is at least \$5.00. The clerk or other collecting authority
2 for the court in which the fine or bond is collected shall pay such amounts to the council
3 each quarter or at such other times as the board may provide. These sums shall be paid to
4 the council before the payment of any costs or any claim whatsoever against such fine or
5 forfeiture, provided that this shall not be construed to repeal any existing priorities
6 established under the laws of this state. It shall be the duty of the clerk or other collecting
7 authority for each court to keep accurate records of the amounts due to the board and to
8 remit the amounts due promptly. The council may audit such records at any time. The
9 sums remitted to the council under this Code section shall be used only for the purposes
10 provided for in this chapter.

11 (c) The sum of \$2.00 shall be allocated to the council from each fee charged and collected
12 in each civil action, case, or proceeding, including, without limiting the generality of the
13 foregoing, all adoptions, charters, certiorari, applications by personal representative for
14 leave to sell or invest, trade name registrations, applications for change of name, and all
15 other proceedings of a civil nature filed in the superior court or any other court in which
16 the clerk of the superior court serves as clerk. The clerk of the court shall collect such fees,
17 and the fees so collected shall be remitted to the council quarterly or at such other time as
18 the board may provide. It shall be the duty of the clerk to keep accurate records of the
19 amounts due the council under this subsection, and such records may be audited as
20 provided by general law. The sums remitted to the council under this subsection shall be
21 used only for the purposes provided for in this Code section.

22 (d) If the person or authority whose duty it is to collect and remit moneys to the council
23 under subsections (b) and (c) of this Code section shall fail to remit such moneys within
24 60 days of the date on which such remittal is due, such moneys shall be delinquent and
25 there shall be imposed, in addition to the principal amount due, a specific penalty in the
26 amount of 5 percent of the principal amount per month for each month during which the
27 moneys continue to be delinquent, provided that such penalty shall not exceed a total of 25
28 percent of the principal due. In addition to such penalty, interest shall be charged on the
29 delinquent moneys at the rate of 6 percent per annum from the date such moneys become
30 delinquent and until they are paid. All moneys due on or before January 1, 2002, and not
31 paid shall be delinquent after the expiration of 60 days from that date. By affirmative vote,
32 the executive board of the council, upon the payment of the delinquent moneys together
33 with interest and for good cause shown, may waive the specific penalty otherwise charged
34 under this subsection."

1 **SECTION 3.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 4.**

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