

House Bill 948

By: Representatives Martin of the 47<sup>th</sup>, Bordeaux of the 151<sup>st</sup> and Allen of the 117<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 provide for the transmission, compilation, and analysis of criminal case data; to provide for  
3 the electronic transmission of criminal case data elements from superior and state court  
4 clerks' offices to the Superior Court Clerks' Cooperative Authority; to provide the minimum  
5 criminal case data elements to be transmitted; to provide for electronic transmission of the  
6 criminal data to the Georgia Courts Automation Commission; to provide for analysis of the  
7 criminal case data by the Administrative Office of the Courts; to provide for time limits for  
8 transmission of data by clerks and by the authority of the commission; to provide for the  
9 clerks, the authority, and the commission to enter into agreements, contracts, and to expend  
10 funds for the development and operation of a system for transmission of criminal case data;  
11 to provide for applicability; to provide for other related matters; to repeal conflicting laws;  
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code  
16 Section 15-5-24, relating to the duties of the Administrative Office of the Courts, by striking  
17 paragraph (4) and inserting in lieu thereof the following:

18 "(4) Analyze data relating to criminal cases collected pursuant to Code Section 15-6-61.1,  
19 and data relating to civil cases collected pursuant to subsection (b) of Code Section  
20 9-11-3 and subsection (b) of Code Section 9-11-58 and provide such data, analysis, or  
21 both data and analysis to the courts and agencies of the judicial branch, agencies of the  
22 executive branch, and the General Assembly;".

**SECTION 2.**

1 Said title is further amended by striking paragraphs (3) and (4) of subsection (a) of Code  
2 Section 15-5-82, relating to the authority of the commission, and inserting in lieu thereof the  
3 following:

4 "(3) Receive electronic criminal case data pursuant to Code Section 15-6-61.1, and  
5 electronic data from the civil case filing and disposition forms that are required to be filed  
6 in civil cases pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of  
7 Code Section 9-11-58 and that are transmitted to the commission by the Georgia Superior  
8 Court Clerks' Cooperative Authority in a format and media agreed to by the commission  
9 and the authority;

10 (4) Compile the criminal and civil filings, and dispositions, and sentencing data  
11 transmitted to the commission by the Georgia Superior Court Clerks' Cooperative  
12 Authority, and provide such data to the Administrative Office of the Courts. Institute  
13 measures to provide for the privacy and security of the information collected. Access to  
14 criminal information compiled for the purposes set forth in this Code section, Code  
15 Section 15-6-61.1, and paragraph (3) of Code Section 15-7-50 is restricted to official use  
16 only. Public access to criminal history data shall be through the Georgia Crime  
17 Information Center as provided in Article 2 of Chapter 3 of Title 35;"

**SECTION 3.**

19 Said title is further amended by adding a new Code Section 15-6-61.1 to follow Code Section  
20 15-6-61, relating to the duties of superior court clerks generally, to read as follows:

21 "15-6-61.1.

22 (a) It is the duty of a clerk of superior court:

23 (1) To electronically collect criminal case data on all criminal cases filed with the clerk  
24 by indictment, accusation, petition for violation of probation, or other document  
25 presented by the prosecuting attorney of the court or other authorized official;

26 (2) To electronically transmit to the Superior Court Clerks' Cooperative Authority,  
27 within 30 days from the date of filing or disposition, the criminal case data collected,  
28 including sentencing data, in a form and format as required by the Superior Court Clerks'  
29 Cooperative Authority and agreed upon by the executive board of The Council of  
30 Superior Court Clerks of Georgia;

31 (3) To participate in agreements, contracts, and networks necessary or convenient for the  
32 performance of the duties prescribed in this Code section; and

33 (4) To provide for the electronic transmission of criminal data as required in paragraphs  
34 (2) and (3) of this subsection using the minimum criminal case data elements as follows,  
35 so long as the data elements are provided within such case file:

- (A) Docket number;
  - (B) County code;
  - (C) Court;
  - (D) Case title (style);
  - (E) Type of filing (accusation, indictment, petition);
  - (F) Date filed;
  - (G) Overall case disposition, stage (bench trial, jury trial);
  - (H) Overall case disposition, method (dismissed);
  - (I) Overall case disposition date;
  - (J) Overall offense identification (misdemeanor, felony, probation violation);
  - (K) Defendant identifier;
  - (L) Defendant prefix;
  - (M) Defendant's last name;
  - (N) Defendant's suffix;
  - (O) Defendant's first name;
  - (P) Defendant's middle name;
  - (Q) Offense general category identifier (indicted or accused);
  - (R) Offense statute citation number;
  - (S) Offense date of disposition (date recorded on docket);
  - (T) Offense disposition method;
  - (U) Offense disposition stage (bench trial, jury trial);
  - (V) Sentence type;
  - (W) Sentence term;
  - (X) Sentence text;
  - (Y) Sentence amount; and
  - (Z) Sentence date.

- (b) Electronic transmissions containing additional criminal case data elements may be made if agreed upon by the clerk, the Superior Court Clerks' Cooperative Authority, the Georgia Courts Automation Commission, and the Administrative Office of the Courts.
- (c) It is the duty of the clerk to electronically transmit to the Superior Court Clerks' Cooperative Authority all data elements required by Code Section 35-3-36 in the same manner as other data elements transmitted in accordance with this Code section."

## SECTION 4.

34 Said title is further amended by striking Code Section 15-6-97.1, relating to development and  
35 operation of civil case information system and funding, and inserting in lieu thereof the  
36 following:

1 "15-6-97.1.

2 (a) As used in this Code section, the term:

3 (1) 'Authority' means the Georgia Superior Court Clerks' Cooperative Authority.

4 (2) 'Commission' means the Georgia Courts Automation Commission.

5 (3) 'Council' means The Council of Superior Court Clerks of Georgia.

6 (a)(b) ~~The Georgia Superior Court Clerks' Cooperative Authority authority and The~~  
7 ~~Council of Superior Court Clerks of Georgia the council~~, in agreement with the Georgia  
8 Courts Automation Commission commission and the Administrative Office of the Courts,  
9 shall participate in the development and operation of the civil case filing and disposition  
10 information system described in paragraph (4) of Code Section 15-5-24 and paragraphs (2),  
11 (3), (4), and (5) of subsection (a) of Code Section 15-5-82. The authority shall provide  
12 such data in electronic format to the Georgia Courts Automation Commission commission  
13 within three days of receipt. The media and format authority and the commission shall be  
14 determined by the authority and the commission determine the media and format.

15 (c) ~~The authority and the council, in agreement with the commission and the~~  
16 ~~Administrative Office of the Courts, shall participate in the development and the operation~~  
17 ~~of a system for electronic transmission of criminal case data from the superior and state~~  
18 ~~court clerks as provided for in Code Section 15-6-61.1 and paragraph (3) of Code Section~~  
19 ~~15-7-50. This data should match with the same degree of accuracy the criminal data~~  
20 ~~currently supplied to the Georgia Crime Information Center in accordance with Code~~  
21 ~~Section 35-3-36. A system for electronic transmission to the commission of criminal case~~  
22 ~~data received by the authority shall also be developed to enable transmission of the data~~  
23 ~~within three days of receipt. The authority and the commission shall determine the media~~  
24 ~~and format.~~

25 (b)(d) ~~The authority shall have the power to use funds available and participate in~~  
26 ~~agreements, contracts, and networks necessary or convenient for the performance of the~~  
27 ~~duties described in subsection (a) subsections (a) and (b) of this Code section."~~

28 **SECTION 5.**

29 Said title is further amended by striking Code Section 15-7-50, relating to the authority of  
30 clerks, and inserting in lieu thereof the following:

31 "15-7-50.

32 Clerks of state courts are authorized and directed to:

33 (1) File and enter all civil case filing and disposition forms required to be filed pursuant  
34 to subsection (b) of Code Section 9-11-3 and subsection (b) of Code Section 9-11-58;  
35 (2) Transmit to the Superior Court Clerks' Cooperative Authority within 30 days of  
36 filing the civil case filing and disposition forms prescribed in Code Section 9-11-133; and

1       (3) Transmit electronically to the Superior Court Clerks' Cooperative Authority within  
2       30 days of filing criminal case data in the same manner as proscribed in the duties of  
3       superior court clerks in Code Section 15-6-61.1; and  
4       (3)(4) Participate in agreements, contracts, and networks necessary or convenient for the  
5       performance of the duties provided in paragraphs (1), and (2), and (3) of this Code  
6       section."

## SECTION 6.

8 This Act is applicable to criminal case filings and dispositions in the superior or state court  
9 clerks' offices on or after January 1, 2002.

## SECTION 7.

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