

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to
2 payment into county treasuries of fines and forfeitures, so as to provide for payment of
3 certain moneys arising from traffic fines into the state treasury; to amend Article 2 of Chapter
4 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests, trials, and
5 appeals relative to prosecution of misdemeanor traffic offenses, so as to provide for payment
6 of certain moneys arising from traffic fines into the state treasury; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

9 Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into
10 county treasuries of fines and forfeitures, is amended by striking subsection (a) and inserting
11 in lieu thereof the following:
12

13 "(a)(1) The clerks of the several courts shall pay into the county treasury of the county
14 where the court is held all moneys arising from fines and forfeitures collected by them
15 and, upon failure to do so, shall be subject to rule and attachment as in the case of
16 defaulting sheriffs.

17 (2) The provisions of paragraph (1) of this subsection shall not apply to the remainder
18 of any fines, after costs, imposed for violation of any of the uniform rules of the road
19 provided in Chapter 6 of Title 40 or any local ordinance adopting such uniform rules on
20 any interstate highway or other controlled-access highway if the arrest or citation in such
21 case was made or issued by a law enforcement officer of a county or municipality, in
22 which case such remainder shall be paid into the state treasury."

SECTION 2.

23 Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to
24 arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, is
25

1 amended by striking Code Section 40-13-26, relating to how sentences shall be served and
 2 disposition of fines and costs, and inserting in lieu thereof the following:

3 "40-13-26.

4 Defendants who plead guilty or who are convicted under this article shall be required to
 5 serve their sentences in such manner as is provided for by law in misdemeanor cases. In
 6 case a fine is imposed and paid, the officers of court, where on fee basis, shall first be paid
 7 their costs arising in such case. After the payment of all costs, the remainder of such fine
 8 shall be paid into the county treasury in the event the case is disposed of by the probate
 9 court; if the case is disposed of by the municipal court of an incorporated municipality, the
 10 remainder of such fine or fines shall be paid into the treasury of the municipality where the
 11 court is located, except that where such courts have jurisdiction beyond the corporate limits
 12 of a municipality, and the offense occurs outside the municipality, the fine shall be paid
 13 into the county treasury; provided, however, that in any case where a fine was imposed for
 14 violation of any of the uniform rules of the road provided in Chapter 6 of this title on any
 15 interstate highway or other controlled-access highway if the arrest or citation in such case
 16 was made or issued by a law enforcement officer of a county or municipality, the
 17 remainder of such fine shall be paid into the state treasury. The judge of the probate court
 18 or the person presiding over the municipal court must pay into the county treasury or
 19 municipal treasury, or state treasury by the fifteenth day of each month the remainder of
 20 all fines for the preceding month. Such payment must be accompanied by a list showing
 21 the name of the defendant in each case, the fine imposed in each case, the costs in each
 22 case and to whom paid, and the balance which is being paid into the treasury. The official
 23 making such payment must be given a written receipt by the person receiving the payment.
 24 No officer receiving a salary will receive any fees for arresting or attending court in any
 25 case arising under this article, but the usual fees must be assessed, and, if the arresting
 26 officer is not entitled to the costs, they must go to the ~~county or city~~ treasury to which the
 27 fine is paid."

28 SECTION 3.

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