

House Bill 102

By: Representatives Bridges of the 7th, Day of the 126th and Forster of the 3rd, Post 1

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:

9 **SECTION 1.**

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

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 speed limit provided in or
19 authorized by Chapter 6 of Title 40 on any interstate highway or other controlled-access
20 highway which connects with an interstate highway if the arrest or citation in such case
21 was made or issued by a law enforcement officer of a county or municipality, in which
22 case such remainder shall be paid into the state treasury."

23 **SECTION 2.**

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

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 speed limit provided in or authorized by Chapter 6 of this title on any
15 interstate highway or other controlled-access highway which connects with an interstate
16 highway if the arrest or citation in such case was made or issued by a law enforcement
17 officer of a county or municipality, the remainder of such fine shall be paid into the state
18 treasury. The judge of the probate court or the person presiding over the municipal court
19 must pay into the county treasury ~~or~~ municipal treasury, or state treasury by the fifteenth
20 day of each month the remainder of all fines for the preceding month. Such payment must
21 be accompanied by a list showing the name of the defendant in each case, the fine imposed
22 in each case, the costs in each case and to whom paid, and the balance which is being paid
23 into the treasury. The official making such payment must be given a written receipt by the
24 person receiving the payment. No officer receiving a salary will receive any fees for
25 arresting or attending court in any case arising under this article, but the usual fees must
26 be assessed, and, if the arresting officer is not entitled to the costs, they must go to the
27 ~~county or city~~ treasury to which the fine is paid."

28 **SECTION 3.**

29 All laws and parts of laws in conflict with this Act are repealed.