

Senate Bill 163

By: Senators Tanksley of the 32nd, Thompson of the 33rd and Clay of the 37th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated,
2 relating to municipal courts in general, so as to provide for a method of collection of
3 delinquent fines, costs, or restitution or reparation; to provide for the execution of an affidavit
4 and the issuance of a writ of fieri facias; to provide for enforcement in the same manner as
5 a civil writ of execution; to provide for the costs of collection proceedings; to provide for
6 related matters; to provide for an effective date and for applicability; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to
11 municipal courts in general, is amended by adding a new Code Section 36-32-5.1 to read as
12 follows:

13 "36-32-5.1.

14 (a) In the event that a defendant is delinquent in the payment of fines, costs, or restitution
15 or reparation, as was ordered by the court as a condition of probation, or any other court
16 ordered fines, costs, or restitution or reparation, the defendant's probation officer or the
17 court is authorized, but not required, to execute a sworn affidavit wherein the amount of
18 arrearage is set out. In addition, the affidavit shall contain a succinct statement as to what
19 efforts the probation officer or the court has made in trying to collect the delinquent
20 amount. The affidavit shall then be submitted to the municipal court; said arrearage shall
21 then be collectable through issuance of a writ of fieri facias by the clerk of the sentencing
22 court; and the municipality may enforce such collection through any judicial or other
23 process or procedure which may be used by the holder of a writ of execution arising from
24 a civil action.

1 (b) This Code section provides the municipal court with remedies in addition to all other
2 remedies provided for by law, and nothing in this Code section shall preclude the use of
3 any other or additional remedy in any case.

4 (c) No clerk of any court shall be authorized to require any deposit of cost or any other
5 filing or service fee as a condition to the filing of a garnishment action or other action or
6 proceeding authorized under this Code section. In any such action or proceeding, however,
7 the clerk of the court in which the action is filed shall deduct and retain all proper court
8 costs from any funds paid into the treasury of the court prior to any other disbursement of
9 such funds so paid into court."

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SECTION 2.

11 This Act shall become effective upon its approval by the Governor or upon its becoming law
12 without such approval and shall apply with respect to amounts which became or become
13 delinquent prior to, on, or after that effective date.

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SECTION 3.

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