

Senate Bill 269

By: Senator Tate of the 38th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
2 payment and disposition of fines, so as to authorize the imposition and collection of jail
3 booking fees in the traffic court or municipal court of any municipality or consolidated
4 government in this state which operates a jail or pretrial detention facility; to provide
5 legislative authority for such article; to provide for definitions; to provide for disposition of
6 such fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and
10 disposition of fines, is amended by adding a new Article 10 to read as follows:

11 "ARTICLE 10

12 15-21-170.

13 This article is enacted pursuant to Article III, Section IX, Paragraph VI of the Constitution
14 of Georgia, which provision authorizes additional penalty assessments in criminal and
15 traffic cases and cases involving violations of ordinances of political subdivisions and
16 provides that the proceeds derived therefrom may be used for constructing, operating, and
17 staffing of jails, correctional institutions, and detention facilities by counties.

18 15-21-171.

19 The additional penalties authorized under this article shall only be imposed or collected in
20 a traffic or municipal court of a municipality or consolidated government in this state upon
21 the adoption of an ordinance or resolution by the governing authority of the municipality
22 or consolidated government, which operates a jail or pretrial detention facility, that places

1 this article into effect, requires the imposition and collection of such additional penalties,
2 and agrees to expend the funds collected for the purposes provided for in this article.

3 15-21-172.

4 Upon the adoption of an ordinance or resolution in conformance with Code Section
5 15-21-171, each traffic or municipal court in such municipality or consolidated government
6 in every case in which a fine is imposed, which shall be construed to include costs, for any
7 offense against a criminal or traffic law of this state or any ordinance of such municipality
8 or consolidated government shall also impose as an additional penalty a jail booking fee
9 as established by such municipality or consolidated government not to exceed \$125.00.
10 In addition, in every case within the jurisdiction of such traffic court or municipal court for
11 which a person posts bail or bond, an additional sum equal to such jail booking fees shall
12 be posted. In every case in which such traffic or municipal court shall order the forfeiture
13 of bail or bond, except minor traffic offenses, the additional sum equal to such jail booking
14 fees shall be paid over as provided in Code Section 15-21-173.

15 15-21-173.

16 (a) As used in this Code section, the term 'actual administrative costs' means only those
17 costs for functions that are performed in order to receive a person who has been arrested
18 into the jail or detention facility operated by the municipality or consolidated government
19 and may include:

- 20 (1) The searching, wristbanding, bathing, clothing, fingerprinting, photographing, and
21 medical and mental screening of such person;
- 22 (2) Document preparation, retrieval, updating, filing, and court scheduling with respect
23 to such person;
- 24 (3) Warrant service, processing, and detainer;
- 25 (4) Inventory of such person's money and the creation of cash accounts;
- 26 (5) Inventory and storage of such person's property;
- 27 (6) Inventory, laundry, and storage of such person's clothing;
- 28 (7) Classification of such person;
- 29 (8) Programming for inmate treatment;
- 30 (9) Direct costs for automated services utilized in providing the functions set forth in
31 paragraphs (1) through (8) of this subsection; and
- 32 (10) Costs for management and supervision of the functions set forth in paragraphs (1)
33 through (9) of this subsection.

1 Actual administrative costs shall not include operating expenses of the jail or detention
2 facility including capital costs and those costs involved in the housing, feeding, and care
3 of inmates.

4 (b) The jail booking fees provided for pursuant to this article shall be assessed and
5 collected by the clerk of the court or other designated court officer and shall be paid over
6 to the governing authority of the municipality or consolidated government in which the
7 court is located by the tenth day of the month following the month in which such fees were
8 collected. Such sums paid over to the governing authority shall be deposited into a special
9 account to be known as the 'jail fund' and shall be expended solely and exclusively for the
10 payment of the actual administrative costs of operating the jail or detention center.

11 15-21-174.

12 Notwithstanding any other provision of this article to the contrary, the traffic or municipal
13 court of the municipality or consolidated government shall establish criteria and procedures
14 for the determination of indigency of defendants in cases before the court and shall not
15 impose the jail booking fees otherwise provided for this article on defendants who are
16 determined to be indigent."

17 **SECTION 2.**

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