

Senate Bill 306

By: Senator Lee of the 29th

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 repeal certain provisions relating to the Georgia Courts Automation Commission; to provide
3 for the Courts Technology Advisory Board and its members, purpose, powers, duties, rules,
4 and staff; to provide for an advisory council to such board; to change certain provisions
5 relating to duties of superior court clerks generally, use of computerized record-keeping
6 systems, and printed copies of grantor and grantee indices; to change certain provisions
7 relating to development, operation, and funding of a civil case information system; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking
12 Article 6 of Chapter 5, relating to the Georgia Courts Automation Commission, and inserting
13 in lieu thereof the following:

14 style="text-align:center">"ARTICLE 6

15 15-5-80.

16 As used in this article, the term:

17 (1) 'Board' means the Courts Technology Advisory Board created pursuant to Code
18 Section 15-5-81.

19 (2) 'Advisory council' means the advisory council to the Courts Technology Advisory
20 Board created pursuant to Code Section 15-5-82.

21 (3) 'Court council' means a council of court judges which appoints a member of the
22 board pursuant to subsection (b) of Code Section 15-5-81.

1 15-5-81.

2 (a) There shall be a Courts Technology Advisory Board, which shall be an agency of the
3 state and shall replace and be a successor to the Georgia Courts Automation Commission
4 that existed immediately prior to the effective date of this article.

5 (b) The board shall consist of 15 members as follows:

6 (1) One Justice of the Supreme Court of Georgia appointed by a majority vote of the
7 Justices of that court;

8 (2) The clerk of the Supreme Court of Georgia, ex officio;

9 (3) One Judge of the Court of Appeals of Georgia appointed by a majority vote of the
10 Judges of that court;

11 (4) The clerk of the Court of Appeals of Georgia, ex officio;

12 (5) One superior court judge appointed by the Council of Superior Court Judges of
13 Georgia;

14 (6) One clerk of superior court appointed by the Council of Superior Court Clerks of
15 Georgia;

16 (7) One state court judge appointed by the Council of State Court Judges of Georgia;

17 (8) One clerk of state court appointed by the Council of Superior Court Clerks of
18 Georgia;

19 (9) One juvenile court judge appointed by the Council of Juvenile Court Judges;

20 (10) One clerk of juvenile court appointed by the Council of Superior Court Clerks of
21 Georgia;

22 (11) One probate court judge appointed by the Council of Probate Court Judges of
23 Georgia;

24 (12) One magistrate court judge appointed by the Council of Magistrate Court Judges;

25 (13) One municipal court judge appointed by the Council of Municipal Court Judges of
26 Georgia;

27 (14) One district attorney appointed by the Prosecuting Attorneys' Council of the State
28 of Georgia; and

29 (15) One solicitor-general appointed by the Prosecuting Attorneys' Council of the State
30 of Georgia.

31 (c) Initial members of the board serving pursuant to paragraphs (1), (3), (5), (7), (9), (11),
32 (13), and (15) shall serve for terms of two years; and initial members of the board serving
33 pursuant to paragraphs (2), (4), (6), (8), (10), (12), and (14) shall serve for terms of three
34 years. After such initial terms, all members of the board shall serve for terms of three
35 years, except that any individual appointed to fill a vacancy on the board shall serve for the
36 remainder of the unexpired term. No appointed board member shall serve more than six
37 consecutive years without at least a one-term interim in service.

1 (d) Appointments of members to serve for initial terms shall be made no later than 60 days
2 after the effective date of this article. Future appointments to fill vacancies on the board
3 shall be made within 90 days of such position becoming vacant. The appointments shall
4 be communicated by the appointing entities in writing to the clerk of the Supreme Court
5 of Georgia, who shall file the appointments of record with the court.

6 (e) The clerk of the Supreme Court of Georgia shall call the initial meeting of the board
7 not later than 90 days after the effective date of this article, to be held at a time and location
8 selected by the clerk. The members of the advisory council created pursuant to Code
9 Section 15-5-82 shall not be provided notice of the initial organizational meeting of the
10 board.

11 (f) There shall be a chairperson of the board who shall be elected by majority vote of the
12 board members present and shall serve at the pleasure of the board. The initial meeting of
13 the board shall be chaired by the clerk of the Supreme Court of Georgia, who shall conduct
14 the election of a chairperson of the board by majority vote of the members present; and the
15 chairperson shall conduct the election of a vice chairperson immediately upon assuming
16 the duties as chairperson. The board may elect such other officers as it deems advisable
17 and shall establish such quorum, attendance, and other rules as it deems necessary for the
18 most efficient operation of the board. The board may meet at such times and places within
19 the state as the board deems necessary but not less than twice during any calendar year.

20 (g) All members of the board shall serve without compensation but may be reimbursed for
21 travel and other expenses in carrying out their official duties in the same manner as other
22 state officials and employees. Members of the board who are state officials or employees
23 shall be reimbursed for such expenses from funds of their respective state departments and
24 agencies. All members of the board who are not state officials or employees shall be
25 reimbursed for such expenses from funds appropriated or otherwise available to the judicial
26 branch of state government.

27 15-5-82.

28 (a) There shall be an advisory council to the Courts Technology Advisory Board, to
29 consist of the commissioner of administrative services or the commissioner's designee, the
30 director of the Georgia Bureau of Investigation or the director's designee, the
31 commissioner of corrections or the commissioner's designee, the commissioner of public
32 safety or the commissioner's designee, the chairman of the State Board of Pardons and
33 Paroles or the chairman's designee, the director of the Criminal Justice Coordinating
34 Council or the director's designee, the director of the Children and Youth Coordinating
35 Council or the director's designee, the director of the Sheriffs Association of Georgia or

1 the director's designee, and the director of the Chiefs of Police Association of Georgia or
2 the director's designee.

3 (b) The members of the advisory council shall be notified of and entitled to attend all
4 meetings of the board other than the initial meeting and shall be afforded an opportunity
5 to review and comment on all proposed official actions of the board other than actions
6 relating solely to the internal organization and internal affairs of the board.

7 (c) All members of the advisory council shall serve without compensation but may be
8 reimbursed for travel and other expenses in carrying out their official duties in the same
9 manner as other state officials and employees. Members of the advisory council who are
10 state officials or employees shall be reimbursed for such expenses from funds of their
11 respective state departments and agencies. All members of the advisory council who are
12 not state officials or employees shall be reimbursed for such expenses from funds
13 appropriated or otherwise available to the judicial branch of state government.

14 15-5-83.

15 (a) The board shall act as the representative body from all classes of courts for the purpose
16 of promoting improved and consistent use of technology in the court system in Georgia.
17 The board may assist in the creation and organization of integrated technology systems
18 between courts and other interested state and local agencies. The board may review,
19 conduct hearings on, and recommend state-wide standards and requirements for court
20 technical systems and computer hardware and software. If a standard or requirement is
21 considered for recommendation in any or all classes of courts in this state, all court
22 councils shall be notified and a hearing shall be conducted before the board with all court
23 councils being heard, if requested. Notice of any attempt at standardization or
24 implementation of technical requirements or standards shall be communicated immediately
25 to the board members and to all court councils for the purpose of affording court councils
26 the opportunity to provide input to the board.

27 (b) It shall be the duty of the board exclusively to receive and consider for
28 recommendation and approval any technical hardware or software standards for the courts
29 or any classes of courts in this state. Courts or agencies desiring consideration of any such
30 standards or requirements should make a request in writing to the chairperson of the board
31 or his or her designee for consideration by the board, following the rules and procedures
32 of the board.

33 (c) Notice of all written requests submitted to the board regarding court technical
34 applications, including standards and requirements, shall be provided to all court councils
35 so that comments may be received and considered by the board. The board shall issue a
36 recommendation favoring or rejecting the application, its standards, or requirements, giving

1 comments on its costs to the state and counties and weighing its value to the public and the
2 court system.

3 (d) The board shall be limited to policy decisions necessary to perform its duties and shall
4 not provide hardware, software, equipment, or maintenance services to courts or other
5 entities. This restriction shall not apply to any technical equipment or software necessary
6 for the operation of the board and its staff.

7 (e) The purpose and duties of the board shall not extend to real or personal property
8 records or notary filings or trade names filed with the clerk of superior court or other
9 records filed with the clerk of superior court which are not court records and which, for the
10 purpose of this article, shall not be considered court filings.

11 15-5-84.

12 (a) The board is authorized to promulgate rules and procedures that will allow for the
13 efficient functioning of the board and the filing of requests for review of technical
14 applications, standards, or requirements for courts; and the board may set reasonable time
15 limits for such filings, hearings, and reports of board recommendations.

16 (b) The staff for the board shall consist of no more than five employees, including a
17 director, a technical advisor, and three other staff members if it is determined by the board
18 that they are necessary for the board's operation. The staff shall be state employees in the
19 unclassified service of the State Merit System of Personnel Administration with all benefits
20 of such appointed state employees as otherwise provided by law. The employees of the
21 board shall be supervised by the board exclusively and shall not be subject to any other
22 state, judicial, or local agency, so as to prevent any appearance of conflict of interest.

23 (c)(1) To the extent reasonably possible, the offices and services for the staff of the board
24 shall be in the same location as that of the former Georgia Courts Automation
25 Commission immediately prior to the effective date of this article, and the staff shall have
26 use of all the office equipment, supplies, and utilities of the former Georgia Courts
27 Automation Commission that are in place at such location.

28 (2) The Administrative Office of the Courts shall provide administrative support to the
29 board including services necessary for the operation of the board and its staff. The board
30 may manage its own administrative needs without assistance at any time after the
31 organizational meeting at the board's option.

32 (3) Any funds appropriated for the Georgia Courts Automation Commission for the
33 fiscal year that commences on the effective date of this article shall be transferred to the
34 board in accordance with Code Section 45-12-90.

35 (4) All decisions regarding expenditure of funds appropriated or otherwise made
36 available to the board shall be at the sole discretion of the board, but such funds shall be

1 expended only for the operation of the board. Funds appropriated for purposes of the
2 board shall lapse as provided by Code Section 45-12-89."

3 SECTION 2.

4 Said title is further amended by striking subparagraph (a)(17)(B) of Code Section 15-6-61,
5 relating to duties of superior court clerks generally, use of computerized record-keeping
6 systems, and printed copies of grantor and grantee indices, and inserting in lieu thereof the
7 following:

8 "(B) To electronically collect and transmit to the Georgia Superior Court Clerks'
9 Cooperative Authority all data elements required in subsection (g) of Code Section
10 35-3-36 in a form and format required by the Superior Court Clerks' Cooperative
11 Authority and The Council of Superior Court Clerks of Georgia. The electronic
12 collection and transmission of data shall begin no later than January 1, 2002. The data
13 transmitted to the authority pursuant to this Code section shall be transmitted to the
14 Georgia Crime Information Center in satisfaction of the clerk's duties under subsection
15 (g) of Code Section 35-3-36 and to the Georgia Courts Automation Commission who
16 shall provide the data to the Administrative Office of the Courts for use of the state
17 judicial branch. Public access to said data shall remain the responsibility of the Georgia
18 Crime Information Center. No release of collected data shall be made by or through the
19 authority;"

20 SECTION 3.

21 Said title is further amended by striking subsection (a) of Code Section 15-6-97.1, relating
22 to development, operation, and funding of a civil case information system, and inserting in
23 lieu thereof the following:

24 "(a) The Georgia Superior Court Clerks' Cooperative Authority and The Council of
25 Superior Court Clerks of Georgia, in agreement with the Georgia Courts Automation
26 Commission and the Administrative Office of the Courts, shall participate in the
27 development and operation of the civil case filing and disposition information system
28 described in paragraph (4) of Code Section 15-5-24 and paragraphs (2), (3), (4), and (5) of
29 subsection (a) of Code Section 15-5-82. The authority shall provide such data in electronic
30 format to the Georgia Courts Automation Commission within three days of receipt. The
31 media and format shall be determined by the authority and the commission."

32 SECTION 4.

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