

House Bill 821

By: Representatives Benfield of the 56<sup>th</sup>, Post 1, and Oliver of the 56<sup>th</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated,  
2 relating to pretrial intervention and diversion programs, so as to allow certain courts to create  
3 and administer pretrial intervention and diversion programs; to provide for court costs; to  
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 4 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to  
8 pretrial intervention and diversion programs, is amended by striking subsections (a), (f), and  
9 (g) of Code Section 15-18-80, relating to policy and procedure, and inserting in their  
10 respective places the following:

11 "(a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to  
12 create and administer a Pretrial Intervention and Diversion Program. The prosecuting  
13 attorney for a municipal court shall also be authorized to create and administer a Pretrial  
14 Intervention and Diversion Program for offenses within the jurisdiction of the municipal  
15 court."

16 "(f) The prosecuting attorney shall be authorized to assess and collect from each offender  
17 who enters the program a fee not to exceed \$300.00 for the administration of the program.  
18 Any fee collected under this subsection shall be made payable to the general fund of the  
19 county in which the crime is committed or to the general fund of the municipality in which  
20 the crime was committed if the program is being administered by the prosecuting attorney  
21 of a municipal court.

22 (g) The prosecuting attorney shall be further authorized to collect restitution on behalf of  
23 victims. Any restitution collected under this subsection shall be made payable to and  
24 disbursed by the clerk of court ~~in the county~~ in which the case would be prosecuted."

**SECTION 2.**

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2 Said article is further amended by striking Code Section 15-18-81, relating to court costs, and  
3 inserting in lieu thereof the following:

4 "15-18-81.

5 The prosecuting attorney may assess court costs against the defendant for the dismissal of  
6 criminal warrants when the affiant is not a peace officer. Any fee collected under this  
7 subsection shall be made payable to the general fund of the county in which the crime is  
8 committed or to the general fund of the municipality in which the crime was committed if  
9 the program is being administered by the prosecuting attorney of a municipal court."

**SECTION 3.**

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