

House Bill 869

By: Representatives Coleman of the 118th, Jenkins of the 93rd, and Stephenson of the 60th,
Post 1

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 additional charges on criminal and civil filings and proceedings; to impose an
3 additional charge on civil and criminal filings and proceedings in all courts of this state; to
4 provide that such fines shall be paid to the Administrative Office of the Courts; to provide
5 that the Administrative Office of the Courts shall disburse all amounts so received in a
6 certain manner; to delete certain internal references; to repeal Code Section 15-6-77.4,
7 relating to an additional divorce case filing fee for the Children’s Trust Fund; to repeal Code
8 Section 15-9-60.1, relating to an additional marriage license fee for the Children’s Trust
9 Fund; to repeal Article 4 of Chapter 21, the “Peace Officer and Prosecutor Training Fund
10 of 1983”; to repeal Article 7 of Chapter 21, relating to the compensation to victims of
11 violators of driving under the influence statute; to repeal Code Section 15-21-149, relating to
12 fines and penalties; to repeal Code Section 15-21-150, relating to the collection of fines and
13 the disposition of moneys collected; to repeal Code Section 15-21-151, relating to failure to
14 collect and delinquency; to repeal Code Section 15-21-152, relating to duty to collect and
15 misdemeanor; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by
19 inserting at the end of Chapter 5, relating to the administration of the courts, the following:

20 "ARTICLE 8

21 15-5-120.

22 As used in this article, the term:

1 (1) 'Civil filing fee' means any fee charged for the initiation of any civil action, the filing
2 of any document, the issuance of any document or license, or any service in any court of
3 this state.

4 (2) 'Court' means the superior courts, magistrate courts, probate courts, juvenile courts,
5 state courts, and municipal courts.

6 (3) 'Criminal fine' means any monetary punishment imposed for any criminal or
7 quasi-criminal offense, including without limitation fines for traffic violations and
8 violations of local ordinances, in any court of this state.

9 15-5-121.

10 (a) There is imposed upon every civil filing in this state an additional fee in an amount
11 equal to 15 percent of the initial amount of the civil filing fee. Such additional charge shall
12 be collected and paid as provided in this article.

13 (b) There is imposed upon every criminal fine in this state an additional fine in an amount
14 equal to 25 percent of the initial amount of the criminal fine. Such additional charge shall
15 be collected and paid as provided in this article.

16 (c) At the time of posting bail or bond in any case involving a violation of a criminal or
17 traffic law of this state or political subdivision thereof, an additional sum equal to 15
18 percent of the initial amount of bail or bond shall be posted. In every case in which any
19 state court, probate court, municipal court, magistrate court, or superior court shall order
20 the forfeiture of bail or bond, an additional sum equal to 15 percent of the initial amount
21 of bail or bond shall be paid as provided in this article.

22 15-5-122.

23 The clerk of each court or such other officer as is responsible for collecting civil filing fees,
24 criminal fines, or bail or bond forfeitures shall collect the additional charges imposed by
25 Code Section 15-5-121. If any such amount is paid in increments, the responsible officer
26 shall collect the appropriate percentage of each such payment. The clerk or other
27 responsible officer shall account for the amount collected separately and shall pay the entire
28 amount of additional charge to the Administrative Office of the Courts at the end of each
29 calendar month. Such payments shall be made not later than the second Friday of the month
30 following the month in which such amounts were collected.

31 15-5-123.

32 (a) The Administrative Office of the Courts shall disburse each fiscal quarter the amounts
33 received pursuant to Code Section 15-5-122 as follows:

- 1 (1) 2.5 percent shall be paid to the Children's Trust Fund, not to exceed \$1,190,000.00
 2 per year;
- 3 (2) 3.7 percent shall be paid to the Brain and Spinal Injury Trust Fund, not to exceed
 4 \$1,750,000.00 per year;
- 5 (3) 2.4 percent shall be paid to the Georgia Crime Victims Emergency Trust Fund, not
 6 to exceed \$1,150,000.00 per year;
- 7 (4) An amount equal to 42.2 percent of such funds, not to exceed \$20,215,000.00, shall
 8 be deposited into the general fund of the state treasury and shall be appropriated to fund
 9 law enforcement or prosecutorial officers' training, or both, and activities incident thereto,
 10 including, but not limited to, payment or repayment to the state treasury for capital outlay,
 11 general obligation bond debt service, administrative expenses, and any other expense or
 12 fund application which the General Assembly may deem appropriate. This Code section
 13 shall not preclude the appropriation of a greater amount for this purpose; and
- 14 (5) The remainder shall be paid to the general fund of the state treasury.
- 15 (b) The Administrative Office of the Courts shall be entitled to retain 2.5 percent of the
 16 amount received pursuant to Code Section 15-5-122 to be used to administer this Code
 17 section.

18 15-5-124.

19 Moneys collected as provided for in this article shall be paid over as provided for in this
 20 article by the last day of the month following the month in which they are collected. When
 21 any person, agency, or unit of government whose duty it is to collect and pay over such
 22 moneys fails to remit the sums within 60 days of the date they are required to be paid over,
 23 the same shall be delinquent and there may be imposed, in addition to the principal amount
 24 due, a specific penalty in the amount of 10 percent of said principal amount per month for
 25 each month during which the money is continued to be delinquent, not to exceed a total of
 26 25 percent of the principal amount."

27 **SECTION 2.**

28 Said title is further amended by repealing Code Section 15-6-77.4, relating to an additional
 29 divorce case filing fee for the Children's Trust Fund.

30 **SECTION 3.**

31 Said title is further amended by striking in its entirety Code Section 15-6-95, relating to
 32 priorities of distribution of fines, forfeitures, surcharges, additional fees, and costs in cases
 33 of partial payments into the court, and inserting in lieu thereof the following:

1 "15-6-95.

2 Notwithstanding any law to the contrary, a clerk of any superior court of this state who
3 receives partial payments, as ordered by the court, of criminal fines, forfeitures, or costs
4 shall distribute said sums in the order of priority set forth below:

5 (1) The amount provided for in Chapter 17 of Title 47 for the Peace Officers' Annuity
6 and Benefit Fund;

7 (2) The amount provided for in Chapter 14 of Title 47 for the Superior Court Clerks'
8 Retirement Fund of Georgia;

9 (3) The amount provided for in Chapter 16 of Title 47 for the Sheriffs' Retirement Fund
10 of Georgia;

11 (4) The amount as may be provided in Chapter 15 of Title 36 for county law libraries;

12 (5) The surcharge provided for in Article 8 of Chapter 21 5 of this title ~~for the Peace~~
13 ~~Officer and Prosecutor Training Fund;~~

14 (6) The surcharge provided for in Chapter 21 of this title for jail construction and staffing;

15 ~~(7) The surcharge provided for in Code Section 15-21-112 for compensation of victims~~
16 ~~of violations of Code Section 40-6-391;~~

17 ~~(8)~~(7) The balance of the fine shall be paid to the county; and

18 ~~(9)~~(8) After the final partial or installment payment, the surcharge provided for in Code
19 Sections 15-21-100 and 15-21-101 for the Drug Abuse Treatment and Education Fund."

20 **SECTION 4.**

21 Said title is further amended by striking in its entirety subsection (b) of Code Section
22 15-9-60, relating to costs, and inserting in lieu thereof the following:

23 "(b) All sums that the probate courts may be required to collect pursuant to Code Sections
24 15-23-7,~~15-9-60.1~~, and 36-15-9 and all other sums as may be required by law shall be in
25 addition to the sums provided in this Code section. The sums provided for in this Code
26 section are exclusive of costs for service of process, fees for publication of citation or
27 notice, or any additional sums as may be provided by law."

28 **SECTION 5.**

29 Said title is further amended by repealing Code Section 15-9-60.1, relating to an additional
30 marriage license fee for the Children's Trust Fund.

31 **SECTION 6.**

32 Said title is further amended by repealing Article 4 of Chapter 21, the "Peace Officer and
33 Prosecutor Training Fund Act of 1983."

SECTION 9.

Said title is further amended by repealing and reserving Article 7 of Chapter 21, relating to the compensation to victims of violators of driving under the influence statute.

SECTION 10.

Said title is further amended by striking in its entirety Code Section 15-21-131, relating to the imposition of additional fines, and inserting in lieu thereof the following:

"15-21-131.

(a) In every case in which any court of this state or any municipality or political subdivision of this state shall impose a fine, which shall be construed to include costs, for any criminal offense or any criminal ordinance violation, there shall be imposed as an additional penalty a sum equal to 5 percent of the original fine.

(b) Such sums shall be in addition to any amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund ~~and in addition to any other amounts provided for in this chapter~~ or Code Section 15-5-121."

SECTION 11.

Said title is further amended by striking in their entirety Code Section 15-21-149, relating to fines and penalties, Code Section 15-21-150, relating to the collection of fines and the disposition of moneys collected, Code Section 15-21-151, relating to failure to collect and delinquency, and Code Section 15-21-152, relating to duty to collect and misdemeanor.

SECTION 12.

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