

House Bill 1600

By: Representatives White of the 3rd, Post 2, Ralston of the 6th, Forster of the 3rd, Post 1, Powell of the 23rd, and Hill of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-34 of the Official Code of Georgia Annotated, relating to
2 probation hearings, suspension of sentences, payment of fines and costs, probation fees, and
3 transferal of probation supervision, so as to increase probation supervision fees; to provide
4 for fees for transferal of probation supervision; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 42-8-34 of the Official Code of Georgia Annotated, relating to probation
9 hearings, suspension of sentences, payment of fines and costs, probation fees, and transferal
10 of probation supervision, is amended by striking paragraph (1) of subsection (d) and
11 subsection (h) and inserting in their respective places the following:

12 "(d)(1) In every case that a court of this state or any other state sentences a defendant to
13 probation or any pretrial release or diversion program under the supervision of the
14 department, in addition to any fine or order of restitution imposed by the court, there shall
15 be imposed a probation fee as a condition of probation, release, or diversion in the
16 amount equivalent to ~~\$23.00~~ \$30.00 per each month under supervision, and in addition,
17 a one-time fee of \$50.00 where such defendant was convicted of any felony. The
18 probation fee may be waived or amended after administrative process by the department
19 and approval of the court, or upon determination by the court, as to the undue hardship,
20 inability to pay, or any other extenuating factors which prohibit collection of the fee;
21 provided, however, that the imposition of sanctions for failure to pay fees shall be within
22 the discretion of the court through judicial process or hearings. Probation fees shall be
23 waived on probationers incarcerated or detained in a departmental or other confinement
24 facility which prohibits employment for wages. All probation fees collected by the
25 department shall be paid into the general fund of the state treasury, except as provided in

1 subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia
2 Crime Victims Emergency Fund."

3 "(h) Notwithstanding any provision of this Code or any rule or regulation to the contrary,
4 if a defendant is placed on probation in a county of a judicial circuit other than the one in
5 which he or she resides ~~for committing any misdemeanor offense~~, such defendant may,
6 when specifically ordered by the court, have his or her probation supervision transferred
7 to the judicial circuit of the county in which he or she resides. In the event a probationer
8 has his or her probation transferred, the probationer shall pay a \$10.00 fee for the
9 administrative costs associated with the transfer process."

10 **SECTION 2.**

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