

Senate Bill 565

By: Senators Stokes of the 43rd, Hill of the 4th, Henson of the 41st, Adelman of the 42nd and Butler of the 55th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 8 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
2 relating to funding for local victim assistance programs, so as to provide for collection of
3 incremental payment of fines; to provide for the payment of moneys collected to the Criminal
4 Justice Coordinating Council and to the governing authority of the county in which the
5 moneys are collected; to provide for the promulgation of rules by the Criminal Justice
6 Coordinating Council; to provide for a penalty for failure to remit a payment; to require
7 monthly financial reports; to provide for other matters relative to the forgoing; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 8 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
12 funding for local victim assistance programs, is amended by inserting at the end of Code
13 Section 15-21-131, relating to the imposition of additional fines, a new subsection (c) to read
14 as follows:

15 "(c) If any such sum is paid in increments, the court officer charged with the duty of
16 collecting moneys arising from fines shall assess and collect the appropriate percentage of
17 each such payment in satisfaction of this Code section."

18 **SECTION 2.**

19 Said article is further amended by striking Code Section 15-21-132, relating to the
20 assessment and collection of additional sums, and inserting in lieu thereof the following:

21 "15-21-132.

22 (a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by
23 the court officer charged with the duty of collecting moneys arising from fines and shall
24 be paid over on a monthly basis as follows:

1 (1) If the county where the fine was imposed operates or participates in a victim
2 assistance program approved by the Criminal Justice Coordinating Council, then the
3 moneys shall be paid over to that victim assistance program; or

4 (1) A sum equal to 5 percent of the moneys collected pursuant to this article, not to
5 exceed a total of \$500,000 per year, shall be paid over to the Criminal Justice
6 Coordinating Council to be used to administer this Code section no later than the second
7 Friday of the month following the month in which such amounts are collected;

8 (2) If the county where the fine was imposed does not operate or participate in a victim
9 assistance program approved by the Criminal Justice Coordinating Council, then the
10 moneys shall be paid over to the district attorney of the judicial circuit in which the
11 county is located for the purpose of defraying the costs of victim assistance activities
12 carried out by the district attorney's office. Such funds shall be paid over in the same
13 manner as other county funds paid for operations of the district attorney's office and shall
14 be in addition to rather than in lieu of any other such funds.

15 (2) The remaining moneys shall be paid over to the county commission of the county in
16 which the moneys were collected no later than the second Friday of the month following
17 the month in which such amounts are collected;

18 (3) The county commission shall pay the moneys as follows:

19 (A) Each agency, organization, or program that assists victims and is approved by the
20 Criminal Justice Coordinating Council pursuant to this Code section shall receive an
21 equal portion of the moneys collected;

22 (B) If there is no agency, organization, or program that assists victims and is approved
23 by the Criminal Justice Coordinating Council pursuant to this Code section, then the
24 moneys shall be paid over in equal sums to the district attorney of the judicial circuit
25 in which the county is located and the solicitor general of the county for the purpose of
26 defraying the costs of victim assistance activities carried out by the offices of the
27 district attorney and the solicitor general. Such funds shall be paid over in the same
28 manner as other county funds paid for operation of the offices of the district attorney
29 and the solicitor general and shall be in addition to rather than in lieu of any other such
30 funds; and

31 (C) Such moneys shall be paid to the recipients by the last day of the month in which
32 the moneys are received by the county commission.

33 (a.1) The court officer charged with the duty of collecting moneys arising from fines
34 pursuant to this Code section and Code Section 15-21-133 is required to submit to the
35 Criminal Justice Coordinating Council a monthly financial report which states the amount
36 collected and the agencies, organizations, or programs which directly received funds in that
37 same period from said officer in order to allow coordination of local, state, and federal

1 funding sources for similar services. and the amount disbursed to the Criminal Justice
2 Coordinating Council and to the county commission no later than the last day of the month
3 following the month in which the moneys are collected.

4 (a.2) The county commission of the county in which the moneys were collected is required
5 to submit to the Criminal Justice Coordinating Council a monthly financial report which
6 states the agencies, organizations, and programs which directly received funds in that same
7 period pursuant to this Code section in order to allow coordination of local, state, and
8 federal funding sources for similar services. Such monthly financial reports shall be
9 submitted to the Criminal Justice Coordinating Council no later than the last day of the
10 month following the month in which the funds are disbursed.

11 (b) The Criminal Justice Coordinating Council shall promulgate rules governing the
12 approval of ~~victim assistance~~ agencies, organizations, and programs: that assist victims as
13 follows:

14 (1) The rules shall provide for the approval of agencies, organizations, and programs
15 which are designed to provide substantial assistance to victims of crime in understanding
16 and dealing with the criminal justice system as it relates to the crimes committed against
17 them. It is the intention of the General Assembly that approval shall be liberally granted
18 so as to encourage local innovations in the development of ~~victim assistance~~ agencies,
19 organizations, and programs: that assist victims:

20 (2) The rules shall provide for the approval of agencies, organization, and programs that
21 assist victims and that have a demonstrable local presence in the county in which they are
22 approved. An agency, organization, or program has a demonstrable local presence in a
23 county if the entity engages in community outreach in the county, is accessible to
24 residents of the county by a toll-free telephone call, provides victim assistance services
25 to residents of the county, and expends a substantial portion of the funds received
26 pursuant to this Code section providing services for victims in that county;

27 (3) The rules shall provide for the recertification of any agency, organization, or program
28 that assists victims and which previously had been approved by the Criminal Justice
29 Coordinating Council upon a showing of compliance with current regulations and a
30 demonstrable local presence in the county in which recertification is sought. No agency,
31 organization, or program that assists victims and which previously had been approved by
32 the Criminal Justice Coordinating Council shall be denied recertification if the entity
33 provides at least ten fundamental services as set forth in Ga. Comp. R. & Regs. r.
34 144-6-.04 (2003);

35 (4) The rules shall provide that funds received pursuant to this Code section shall be for
36 the limited purpose of providing the victim services for which the agency, organization,
37 or program was deemed eligible for funding pursuant to this Code section;

(5) The rules shall provide for an annual report to be submitted to the Criminal Justice Coordinating Council by all approved agencies, organizations, and programs which shall include, but not be limited to, the total amount of moneys received from each county commission, the purposes for which the moneys were expended, and the total number of victims served in each county for which the agency, organization, or program is approved. A copy of the annual report shall be submitted by all approved agencies, organizations, and programs to each county commission from which funds are received pursuant to this Code section; and

(6) The rules shall provide that the Criminal Justice Coordinating Council may revoke the certification of any agency, organization, or program that expends funds received pursuant to this Code section for a purpose other than that set forth in this Code section."

SECTION 3.

Said article is further amended by striking Code Section 15-21-133, relating to the payment of additional sums, and inserting in lieu thereof the following:

"15-21-133.

(a) Moneys collected as provided for in this article shall be paid over as provided for in this article by the last day of the month following the month in which they are collected. When any person, agency, or unit of government whose duty it is to collect and pay over such moneys fails to remit the sums within 60 days of the date they are required to be paid over, the same shall be delinquent and there may shall be imposed, in addition to the principal amount due, a specific penalty in the amount of 5 percent of said principal amount per month for each month during which the money is continued to be delinquent, not to exceed a total of 25 percent of the principal amount. This penalty shall be paid by the unit of government whose duty it is to collect and pay over such moneys to the Crime Victims Compensation Fund.

(b) Monthly financial reports which state the amount collected and the agencies, organizations, or programs which directly received funds in that same period shall be submitted to the Criminal Justice Coordinating Council as provided for in this article. When any person, agency, or unit of government whose duty it is to submit such report fails to submit the report within 60 days of the date due, there shall be imposed a specific penalty in the amount of \$1,000.00 per month for each month during which the financial report is continued to be delinquent. This penalty shall be paid by the unit of government whose duty it is to submit such report to the Crime Victims Compensation Fund."

SECTION 4.

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