

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 style="text-align:center">**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 style="text-align:center">**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) If the county where the fine was imposed operates or participates in a victim assistance program approved by the Criminal Justice Coordinating Council, then the moneys shall be paid over to that victim assistance program, or~~

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

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

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

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

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

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

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

~~(a.1) The court officer charged with the duty of collecting moneys arising from fines pursuant to this Code section and Code Section 15-21-133 is required to submit to the Criminal Justice Coordinating Council a monthly financial report which states the amount collected and the agencies, organizations, or programs which directly received funds in that 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;

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

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

### 12 SECTION 3.

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

15 "15-21-133.

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

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

### 34 SECTION 4.

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