

House Bill 1738

By: Representatives Teilhet of the 34th, Post 2, Richardson of the 26th, Golick of the 34th, Post 3, Stoner of the 34th, Post 1, Dooley of the 33rd, Post 3, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of Cobb County, approved March 26, 1964 (Ga.
2 L. 1964, p. 3211), as amended, particularly by an Act approved April 27, 2001 (Ga. L. 2001,
3 p. 4490), so as to provide for certain costs and the provisions relating to costs in such court;
4 to provide an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 An Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964, p.
8 3211), as amended, particularly by an Act approved April 27, 2001 (Ga. L. 2001, p. 4490),
9 is amended by striking Section 20 in its entirety and inserting in lieu thereof the following:

10 "SECTION 20.

11 Each party at the time of filing an action or proceeding of any character in the State Court
12 of Cobb County, irrespective of how it shall be terminated, shall deposit with the clerk of
13 said court the total cost, which shall include judgment and all fees required by law to be
14 paid by the clerk out of said costs, to be determined as follows:

15	Civil actions of every character (includes suits, all garnishments, proceedings	
16	against tenants holding over, foreclosures of personalty, distress warrants, and	
17	any other action which by law may be filed in the State Court of Cobb	
18	County)	\$ 50.00
19	Third party complaint	15.00
20	Garnishment reissue	20.00
21	Plaintiff's traverse of garnishment	15.00
22	Exemplified copy	5.00
23	Certified copy--stamp and seal	3.00
24	Plus each page copied25

1 Alias fi. fa. 5.00
2 Rush papers 5.00
3 Notice of appeal 5.00
4 Preparing Department of Public Safety letter 5.00
5 All bonds filing and approving 10.00
6 Motion for a new trial and docketing same 15.00
7 Motion for judgment notwithstanding the verdict and docketing same 15.00
8 Affidavit where no cause is pending 10.00
9 Each subpoena issued 1.00
10 Rescheduling any criminal or traffic case after a defendant has failed to
11 appear 65.00

12 The clerk shall not be required to file any of the above documents until the full cost has
13 been paid.

14 The clerk may charge and collect the same fees clerks of the superior courts are authorized
15 to charge and collect under Chapter 6 of Title 15 of the O.C.G.A., for any fee not specified
16 in this Act.

17 The marshal may charge and collect the same fees that the sheriff or marshal are authorized
18 to charge and collect under Chapter 16 of Title 15 of the O.C.G.A.

19 Provided, further, the clerk of said court is hereby authorized to deduct from the total costs
20 of each and every suit or proceeding filed in said court and pay to the treasurer of the Cobb
21 County Law Library the amount as by law provided to be withheld.

22 In all cases requiring the transport and storage of personalty, the fee and costs therefor shall
23 be such reasonable costs as shall be required of the officer to obtain such service.

24 All costs not provided for herein shall be charged for and collected by said court on the
25 same basis as costs now fixed or which may hereafter be fixed by law for the Superior
26 Court of Cobb County. The costs in criminal matters in said court, and before the judge
27 thereof, not already provided for herein, shall be the same as is now provided for, or which
28 may hereafter be provided for, by law, in criminal matters in the Superior Court of Cobb
29 County."

30 **SECTION 2.**

31 This Act shall become effective on July 1, 2004.

32 **SECTION 3.**

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