

The House Committee on Special Judiciary offers the following substitute to HB 1561:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-21-132 of the Official Code of Georgia Annotated, relating to
2 assessment and collection of victim assistance funds, so as to provide that the Criminal
3 Justice Coordinating Council shall certify victim assistance programs; to require that victim
4 assistance funds be paid only to approved programs; to amend Title 35 of the Official Code
5 of Georgia Annotated, relating to law enforcement officers and agencies, so as to create the
6 State Victim Services Commission; to provide for its composition, membership, filling of
7 vacancies, powers, duties, and responsibilities; to provide for meetings; to provide for the
8 obtaining of certain information; to provide for certain reviews and investigations; to provide
9 for the commission to make certain recommendations; to provide for related matters; to
10 provide a provisional effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

12 Code Section 15-21-132 of the Official Code of Georgia Annotated, relating to assessment
13 and collection of victim assistance funds, is amended by striking the Code section and
14 inserting in lieu thereof a new Code Section 15-21-132 to read as follows:

15 "15-21-132.

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

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

22 (2) If the county where the fine was imposed does not operate or participate in a victim
23 assistance program approved by the Criminal Justice Coordinating Council, then the
24 moneys shall be paid over to the district attorney of the judicial circuit in which the
25 county is located for the purpose of defraying the costs of victim assistance activities
26

1 carried out by the district attorney's office. Such funds shall be paid over in the same
 2 manner as other county funds paid for operations of the district attorney's office and shall
 3 be in addition to rather than in lieu of any other such funds.

4 (a.1) The court officer charged with the duty of collecting moneys arising from fines
 5 pursuant to this Code section and Code Section 15-21-133 is required to submit to the
 6 Criminal Justice Coordinating Council a ~~monthly~~ quarterly financial report which states
 7 the amount collected and the agencies, organizations, or programs which directly received
 8 funds in that same period from said officer in order to allow coordination of local, state,
 9 and federal funding sources for similar services.

10 (b) The Criminal Justice Coordinating Council shall promulgate rules governing the
 11 approval of victim assistance programs. The rules shall provide for the approval of
 12 programs which are designed to provide substantial assistance to victims of crime in
 13 understanding and dealing with the criminal justice system as it relates to the crimes
 14 committed against them. It is the intention of the General Assembly that approval shall be
 15 liberally granted so as to encourage local innovations in the development of victim
 16 assistance programs.

17 (c) Moneys arising from fines pursuant to this Code section and Code Section 15-21-133
 18 shall not be paid to any victim assistance program that has not been certified by the
 19 Criminal Justice Coordinating Council or has been decertified by such council."

20 SECTION 2.

21 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
 22 agencies, is amended by adding a new Chapter 6 to read as follows:

23 "CHAPTER 6

24 35-6-1.

25 There is created the State Victim Services Commission. Such commission shall be
 26 responsible for developing a comprehensive state plan for assisting victims through the
 27 distribution of the fine surcharges imposed for local victim assistance programs.

28 35-6-2.

29 (a) The State Victim Services Commission shall consist of 14 members as follows:

30 (1) One member appointed by the Governor from each of the following entities:

31 (A) The Prosecuting Attorneys' Council of Georgia;

32 (B) The Georgia Sheriff's Association;

33 (C) The Criminal Justice Coordinating Council;

- 1 (D) The Georgia Commission on Family Violence;
- 2 (E) The Georgia Coalition Against Domestic Violence;
- 3 (F) The Association County Commissioners of Georgia;
- 4 (G) The Georgia Network to End Sexual Assault;
- 5 (H) The Georgia Commission on Women;
- 6 (I) The Georgia Superior Court Clerk's Cooperative Authority; and
- 7 (J) The Georgia Municipal Association;

8 (2) A local victim witness assistance advocate appointed by the Prosecuting Attorneys'
9 Council of Georgia;

10 (3) One member appointed by the Governor;

11 (4) One member appointed by the Lieutenant Governor; and

12 (5) One member appointed by the Speaker of the House of Representatives.

13 (b) The term of appointment shall be two years for initial members appointed in
14 accordance with the following provisions of subsection (a) of this Code section: paragraphs
15 (3), (4), and (5) and subparagraphs (A), (C), (E), (G), and (I) of paragraph (1). The term
16 of appointment shall be two years for initial members appointed in accordance with the
17 following provisions of subsection (a) of this Code section: paragraph (2) and
18 subparagraphs (B), (D), (F), (H), and (J) of paragraph (1). The letter of appointment shall
19 set out the term for which each member is appointed. Thereafter, each member shall be
20 appointed for a term of two years, and no member may serve more than two consecutive
21 terms. All vacancies shall be filled for the unexpired term by an appointee of the original
22 appointing official.

23 (c) The commission shall elect a chairperson, vice chairperson, and a secretary from
24 among its members for terms of two years, and any member shall be eligible for successive
25 election to such office by the commission.

26 (d) The commission shall hold regular meetings at such times and such places as it may
27 deem necessary or convenient to enable the commission to exercise fully and effectively
28 its powers, perform its duties, and accomplish the objectives and purposes of this chapter.
29 Special meetings may be called by the chairperson or a majority of the members of the
30 commission.

31 (e) A quorum for transacting business shall be determined by the members of the
32 commission.

33 35-6-3.

34 The State Victim Services Commission shall have the following powers and duties:

- 35 (1) To review the financial reports submitted pursuant to Code Section 15-21-132
- 36 concerning local victim assistance programs;

1 (2) To determine the degree of compliance of the courts in collecting and forwarding
2 funds authorized to be collected pursuant to Article 8 of Chapter 21 of Title 15;

3 (3) To review and determine the extent to which county governing authorities collect
4 funds from the courts and distribute such funds to victim services programs;

5 (4) To determine the extent to which such funds are utilized by such victim services
6 programs to provide direct services to victims of crimes;

7 (5) To recommend changes in legislation that will ensure compliance in the collection,
8 distribution, and use of victim assistance funds as needed; and

9 (6) To establish a fair and comprehensive procedure for the distribution of victim
10 assistance funds to all agencies, organizations, and programs certified by the commission
11 that are designed to assist victims of crime in this state.

12 35-6-4.

13 (a) The state auditor is authorized and directed to assist the State Victim Services
14 Commission in the discharge of its duties set forth in this chapter.

15 (b) Any victim assistance program, including programs operated by public officers, that
16 receives funds pursuant to Article 8 of Chapter 21 of Title 15 shall make available to the
17 State Victim Services Commission, the state auditor, or such other persons as the State
18 Victim Services Commission may designate all books and records of all receipts, income,
19 and expenditures of such funds. The commission and its designees shall be authorized to
20 inspect and make abstracts of records of services provided to victims of crimes by any
21 victim assistance program, including programs operated by public officers, that receives
22 funds pursuant to Article 8 of Chapter 21 of Title 15, provided that the commission and its
23 designees shall not disclose the content of individually identifiable records that contain
24 information that is privileged or confidential under the laws of this state or federal law."

25 SECTION 3.

26 This Act shall become effective only upon the effective date of an appropriation of funds for
27 the purposes of this Act as expressed in a line item making specific reference to the full
28 funding of this Act in an appropriations Act enacted by the General Assembly.

29 SECTION 4.

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