

House Bill 869 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Coleman of the 118th, Jenkins of the 93rd, and Stephenson of the 60th,
Post 1

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, Title 36 of
2 the Official Code of Georgia Annotated, relating to local government, and Title 42 of the
3 Official Code of Georgia Annotated, relating to penal institutions, so as to change the
4 membership of the Georgia Superior Court Clerks' Cooperative Authority; to provide that
5 the Georgia Superior Court Clerks' Cooperative Authority shall act as the collecting and
6 remitting agent for the centralized collection and remittance of certain court costs and fees
7 and certain additional penalties and bonds in criminal cases; to prescribe certain new
8 additional court costs and fees and penalties and bond surcharges in criminal cases and
9 provide for the disposition thereof; to provide for application fees for persons applying for
10 indigent defense services and provide for the disposition thereof; to provide for intent with
11 respect to availability of certain funds for appropriation for indigent defense purposes; to
12 state legislative findings; to define terms; to provide for court clerks and other officials to
13 remit funds to the authority and provide measures for accountability therefor; to authorize
14 the authority to prescribe forms and procedures for reporting in connection with collections
15 by the authority; to provide for remittances by the authority and certain reporting with respect
16 thereto; to make numerous conforming amendments; to provide for other related matters; to
17 provide for an effective date and for applicability; to repeal conflicting laws; and for other
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**SECTION 1.**

21 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking
22 paragraph (1) of subsection (b) of Code Section 15-6-94, relating to the Georgia Superior
23 Court Clerks' Cooperative Authority, and inserting in its place a new paragraph to read as
24 follows:

25 "(b)(1) The authority shall consist of ~~seven~~ nine members as follows:

1 (A) The two members who are not required to be superior clerks appointed by the
 2 executive board of The Council of Superior Court Clerks of Georgia ~~to serve for a term~~
 3 ~~of one year each and until their respective successors are appointed~~ as provided by prior
 4 law shall continue to serve and their successors shall likewise be appointed by the
 5 executive board of The Council of Superior Court Clerks of Georgia;

6 (B) The two members appointed by the executive board of The Council of Superior
 7 Court Clerks of Georgia; who are and shall ~~currently~~ be superior court clerks; ~~to serve~~
 8 ~~for a term of two years each and until their respective successors are appointed~~ as
 9 provided by prior law shall continue to serve and their successors shall likewise be
 10 superior court clerks appointed by the executive board of The Council of Superior
 11 Court Clerks of Georgia;

12 (C) The one member appointed by the Governor; who is and shall ~~currently~~ be a county
 13 commissioner; ~~to serve for a term of three years and until such member's respective~~
 14 ~~successor is appointed~~ as provided by prior law shall continue to serve and his or her
 15 successors shall likewise be county commissioners appointed by the Governor;

16 (D) The and two members appointed by the Governor ~~to serve for a term of three years~~
 17 ~~each and until their respective successors are appointed~~ who are not required to be
 18 county commissioners appointed as provided by prior law shall serve out the terms for
 19 which they were appointed; and upon the expiration of such terms and thereafter a
 20 successor to one such member shall be a superior court clerk appointed by the Governor
 21 and a successor to the other such member shall be a superior court judge appointed by
 22 the Chief Justice of the Supreme Court;

23 (E) One member appointed by the Lieutenant Governor; and

24 (F) One member appointed by the Speaker of the House.

25 All members ~~After the initial appointments, all members thereafter~~ shall serve for terms
 26 of three years each and until their successors are appointed and qualified. All acts
 27 performed by the authority prior to April 1, 1994, shall have the same force and effect as
 28 if this paragraph had been in effect since the creation of the authority."

29 SECTION 2.

30 Said Title 15 is further amended by adding a new Chapter 21A to read as follows:

31 "CHAPTER 21A

32 15-21A-1.

33 (a) The General Assembly finds that over the years, at various times, there have been

1 enacted into the law and Constitution of this state numerous provisions relating to court
 2 costs, fees, and criminal penalty and bond surcharges for various stated purposes and that
 3 additional costs, fees, and surcharges may be added in the future. Because of the serial nature
 4 nature of these enactments, little or no consideration has been given to the interaction of
 5 the enacting provisions. There exists a lack of fiscal data concerning such fees. State law
 6 has in some cases provided insufficient guidance for local officials with respect to the
 7 priority and manner of distribution of such costs, fees, and surcharges. There exists a need
 8 for a centralized agency to act as the collecting and remitting agent for such costs, fees, and
 9 surcharges in order to provide for uniform practices and fiscal accountability with respect
 10 to such collection and remittance.

11 (b) It is the intent of this chapter to meet the needs identified in subsection (a) of this
 12 Code section and to provide for certain new fees and surcharges in order that funds may
 13 be made available for appropriation and may be appropriated for purposes of indigent
 14 defense.

15 15-21A-2.

16 As used in this chapter, the term 'authority' means the Georgia Superior Court Clerks'
 17 Cooperative Authority established pursuant to Code Section 15-6-94.

18 15-21A-3.

19 The authority shall act as collecting and remitting agent with respect to the costs, fees,
 20 and surcharges specified in this Code section. The authority in performing this function
 21 shall receive and disburse such funds only in the capacity of a custodial trustee, and
 22 such funds shall not in the process of receipt and disbursement become funds of the
 23 authority or state funds. The costs, fees, and surcharges subject to this Code section are:

- 24 (1) A portion of the fees for filing instruments pertaining to real estate under
 25 subsection (b) of Code Section 15-6-98;
- 26 (2) The additional divorce case filing fee under Code Section 15-6-77.4 and the
 27 additional marriage license fee under Code Section 15-9-60.1;
- 28 (3) The surcharge on fines and bonds imposed for the training of law enforcement
 29 and prosecutorial officers and for indigent defense purposes under Code Section
 30 15-21-73;
- 31 (4) The surcharge on fines and bonds which may be imposed for county jail fund
 32 purposes under Code Section 15-21-93;
- 33 (5) The additional penalties imposed in drug cases for drug abuse treatment and
 34 education purposes under Code Section 15-21-100;

- 1 (6) The additional penalties imposed in cases of driving under the influence for
 2 purposes of state crime victims compensation under Code Section 15-21-112;
 3 (7) The fine surcharges imposed for local victim assistance purposes under Code
 4 Section 15-21-131;
 5 (8) The additional penalties imposed in cases of driving under the influence for
 6 purposes of the Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
 7 (9) The additional civil filing fee for alternative dispute resolution purposes which
 8 may be imposed under Code Section 15-23-7;
 9 (10) County law library fees which may be imposed under Code Section 36-15-9;
 10 (11) Probation fees collected by the courts under Code Section 42-8-34;
 11 (12) Funds collected and remitted for purposes of the Judges of the Probate Courts
 12 Retirement Fund of Georgia under Code Sections 47-11-50 and 47-11-51;
 13 (13) Funds collected and remitted for purposes of the Superior Court Clerks'
 14 Retirement Fund of Georgia under Code Sections 47-14-50 and 47-14-51;
 15 (14) Funds collected and remitted for purposes of the Sheriffs' Retirement Fund of
 16 Georgia under Code Section 47-16-60; and
 17 (15) Funds collected and remitted for purposes of the Peace Officers' Annuity and
 18 Benefit Fund under Code Section 47-17-60.

19 15-21A-4.

- 20 (a)(1) Each clerk of any court or any other officer or agent of any court receiving any
 21 funds subject to this chapter on or after July 1, 2004, shall remit all such funds to the
 22 authority by the end of the month following the month in which such funds are
 23 received.
 24 (2) The chief judge of superior court for each county shall have the authority to
 25 require compliance with paragraph (1) of this subsection by any court within the
 26 county. If any court is more than 30 days delinquent or is habitually delinquent in
 27 remitting any funds or reports required under this Code section, the authority shall
 28 notify the chief judge of superior court of the county in which the court is located and
 29 the commissioner of community affairs. The commissioner of community affairs shall
 30 suspend the status of the local government served by the court as a qualified local
 31 government under Article 1 of Chapter 8 of Title 50 until such time as the delinquency
 32 or habitual delinquency is cured.
 33 (b) The authority shall prescribe uniform procedures and forms for the reporting and
 34 remittance of all funds subject to Code Section 15-21A-3; and all clerks or other

1 officers or agents remitting such funds shall use the prescribed procedures and forms in
2 reporting and remitting funds to the authority.

3 (c) The authority shall prescribe uniform rules, procedures, and forms relative to the
4 partial or installment collection and remittance of funds subject to Code Section
5 15-21A-3 and the manner of allocation of such partial or installment collections. Any
6 funds held by any court or unit of local government on July 1, 2004, consisting of
7 previously collected partial or installment payments shall be subject to the rules,
8 procedures, and forms so prescribed and shall be remitted to the authority to the extent
9 provided for in such rules and procedures.

10 15-21A-5.

11 (a) The authority shall be entitled to retain from the funds received by the authority
12 under Code Section 15-21A-3 and 15-21A-7 an amount equal to 1 percent of such
13 funds, but in no event more than \$500,000.00 per fiscal year, to reimburse the authority
14 for its costs in administering this chapter. The net proceeds, after deduction of such
15 administrative costs, from the funds received by the authority under Code Section
16 15-21A-3 shall be remitted by the authority as follows:

17 (1) The net proceeds received pursuant to paragraph (1) of Code Section 15-21A-3
18 shall be remitted to the general fund of the authority for the use of the authority as
19 otherwise provided by law;

20 (2) The net proceeds received pursuant to paragraph (2) of Code Section 15-21A-3
21 shall be remitted to the general fund of the state treasury;

22 (3) The net proceeds received pursuant to paragraph (3) of Code Section 15-21A-3
23 shall be remitted to the general fund of the state treasury;

24 (4) The net proceeds received pursuant to paragraph (4) of Code Section 15-21A-3
25 shall be remitted to the governing authority of the county from which the funds were
26 received for deposit into the county jail fund of that county;

27 (5) The net proceeds received pursuant to paragraph (5) of Code Section 15-21A-3
28 shall be remitted to the governing authority of the county from which the funds were
29 received for deposit into the County Drug Abuse Treatment and Education Fund of
30 that county;

31 (6) The net proceeds received pursuant to paragraph (6) of Code Section 15-21A-3
32 shall be remitted to the Georgia Crime Victims Compensation Board to be deposited
33 into the Georgia Crime Victims Emergency Fund;

1 (7) The net proceeds received pursuant to paragraph (7) of Code Section 15-21A-3
 2 shall be remitted to local victim assistance programs of the county from which the
 3 funds were received as provided in Code Section 15-21-132;

4 (8) The net proceeds received pursuant to paragraph (8) of Code Section 15-21A-3
 5 shall be remitted to the Brain and Spinal Injury Trust Fund Commission for deposit
 6 into the Brain and Spinal Injury Trust Fund;

7 (9) The net proceeds received pursuant to paragraph (9) of Code Section 15-21A-3
 8 shall be remitted to the board of trustees of the county from which the funds were
 9 received for deposit into the County Fund for the Administration of Alternative
 10 Dispute Resolution Programs of that county;

11 (10) The net proceeds received pursuant to paragraph (10) of Code Section 15-21A-3
 12 shall be remitted to the governing authority of the county from which the funds were
 13 received for deposit into the county law library fund of that county;

14 (11) The net proceeds received pursuant to paragraph (11) of Code Section 15-21A-3
 15 shall be remitted to the general fund of the state treasury;

16 (12) The net proceeds received pursuant to paragraph (12) of Code Section 15-21A-3
 17 shall be remitted to the Judges of the Probate Court Retirement Fund of Georgia;

18 (13) The net proceeds received pursuant to paragraph (13) of Code Section 15-21A-3
 19 shall be remitted to the Superior Court Clerks' Retirement Fund of Georgia;

20 (14) The net proceeds received pursuant to paragraph (14) of Code Section 15-21A-3
 21 shall be remitted to the Sheriffs' Retirement Fund of Georgia; and

22 (15) The net proceeds received pursuant to paragraph (15) of Code Section 15-21A-3
 23 shall be remitted to the Peace Officers' Annuity and Benefit Fund.

24 (b) The net proceeds received pursuant to Code Section 15-21A-7 shall be remitted to
 25 the general fund of the state treasury.

26 (c) Any interest earned on funds subject to this chapter while in the custody of the
 27 authority shall be remitted to the general fund of the state treasury.

28 15-21A-6.

29 Notwithstanding any provision to the contrary in Chapter 11, 14, 16, or 17 of Title 47,
 30 any funds to be remitted by any clerk or other officer of any court to any state
 31 retirement system shall be remitted to the Georgia Superior Court Clerks' Cooperative
 32 Authority as custodial agent, in accordance with the manner prescribed in this chapter,
 33 for remittance by the authority to the state retirement system in accordance with the
 34 time schedule fixed in the law relating to such state retirement system.

1 15-21A-7.

2 (a) In addition to all other legal costs there shall be charged and collected an additional
3 filing fee of \$15.00 in each civil action or case filed in the superior, state, probate,
4 recorders', mayors', municipal, and magistrate courts. Without limiting the generality of
5 the foregoing, such fee shall apply to all adoptions, certiorari, applications by personal
6 representatives for leave to sell or reinvest, trade name registrations, applications for
7 change of name, and all other proceedings of a civil nature. Any matter which is
8 docketed upon the official dockets of the enumerated courts and to which a number is
9 assigned shall be subject to such fee, whether such matter is contested or not.

10 (b) Any person who applies for or receives legal defense services under Chapter 12 of
11 Title 17 shall pay a single fee of \$50.00 for the application for, receipt of, or application
12 for and receipt of such services. The application fee may not be imposed if the payment
13 of the fee is waived by the court. The court shall waive the fee if it finds that the
14 applicant is unable to pay the fee or that hardship will result if the fee is charged.

15 (c) Each clerk of court, each indigent defense program, or any other officer or agent of
16 any court receiving any funds subject to this Code section shall collect the additional
17 fees provided in this Code section and shall pay such moneys over to the authority by
18 the last day of the month after the month of collection, to be deposited by the authority
19 into the general fund of the state treasury.

20 (d) It is the intent of the General Assembly that all funds derived under this Code
21 section shall be made available through the general appropriations process and may be
22 appropriated for purposes of funding indigent defense.

23 15-21A-8.

24 The authority shall, on a quarterly basis, make a detailed report and accounting of all
25 funds collected and remitted pursuant to this chapter and shall submit such report and
26 accounting to the Office of Planning and Budget, the Legislative Budget Office, and the
27 General Assembly no later than 30 days after the last day of the preceding quarter.

28 15-21A-9.

29 Any clerk of court or any other officer or agent receiving any funds subject to this Code
30 who knowingly fails to pay over any such funds to the authority as required by this
31 Code section shall be guilty of a misdemeanor, except that if the amount of funds
32 knowingly not paid over is \$10,000.00 or more then such person shall be guilty of a
33 felony and punished by imprisonment for not less than one nor more than ten years. The
34 offense created by this Code section shall not merge with any other offense."

1 ~~shall be delinquent and there may be imposed, in addition to the principal amount due, a~~
 2 ~~specific penalty in the amount of 5 percent of said principal amount per month for each~~
 3 ~~month during which the money is continued to be delinquent, not to exceed a total of 25~~
 4 ~~percent of the principal amount."~~

5 **SECTION 5.**

6 Said Title 15 is further amended by striking Article 4 of Chapter 21, the "Peace Officer
 7 and Prosecutor Training Fund Act of 1983," and inserting in its place a new article to read
 8 as follows:

9 "ARTICLE 4

10 15-21-70.

11 This article shall be known as and may be cited as the 'Peace Officer, ~~and~~ Prosecutor,
 12 and Indigent Defense Funding Training Fund Act of 1983.'

13 15-21-71.

14 This article is enacted in part pursuant to the authority of Article III, Section IX,
 15 Paragraph VI, subparagraph (d) of the Constitution of Georgia, which provision
 16 authorizes additional penalty assessments in criminal and traffic cases and provides that
 17 the proceeds derived therefrom may be used for the purpose of providing training to law
 18 enforcement officers and prosecuting officials.

19 15-21-72.

20 It is the intent of this article to provide funding for the training of law enforcement and
 21 prosecutorial officers and to make funds available for funding state indigent defense
 22 programs.

23 15-21-73.

24 (a)(1) In every case in which any state court, probate court, recorders', mayors',
 25 municipal court, magistrate court, or superior court in this state shall impose a fine,
 26 which shall be construed to include costs, for any offense against a criminal or traffic
 27 law of this state or political subdivision thereof, there shall be imposed as an
 28 additional penalty a sum equal to ~~the:~~

29 (A) The lesser of \$50.00 or 10 percent of the original fine; plus

30 (B) An additional 7.5 percent of the original fine.

1 (2) At the time of posting bail or bond in any case involving a violation of a criminal
 2 or traffic law of this state or political subdivision thereof, an additional sum equal to
 3 ~~the:~~

4 (A) The lesser of \$50.00 or 10 percent of the original amount of bail or bond; plus

5 (B) An additional 10 percent of the original amount of bail or bond

6 shall be posted. In every case in which any state court, probate court, municipal court,
 7 magistrate court, or superior court shall order the forfeiture of bail or bond, the
 8 additional sum equal to the lesser of \$50.00 or 10 percent of the original bail or bond
 9 amounts provided for in this paragraph shall be paid over as provided in Code Section
 10 15-21-74.

11 (b) Such sums shall be in addition to that amount required by Code Section 47-17-60 to
 12 be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51
 13 concerning the Judges of the Probate Courts Retirement Fund of Georgia and any other
 14 amounts provided for by law.

15 15-21-74.

16 The sums provided for in Code Section 15-21-73 shall be assessed and collected by the
 17 court officer charged with the duty of collecting moneys arising from fines and forfeited
 18 bonds and shall be paid over to the ~~commissioner of revenue~~ Georgia Superior Court
 19 Clerks' Cooperative Authority by the last day of the month there following, to be
 20 deposited by ~~him~~ the authority into the general treasury. The ~~commissioner of revenue~~
 21 authority shall, on a quarterly basis, make a report and accounting of all funds collected
 22 pursuant to this article and shall submit such report and accounting to the Office of
 23 Planning and Budget and the Legislative Budget Office no later than 30 days after the
 24 last day of the preceding quarter.

25 15-21-75.

26 ~~When any such person, agency, or unit of government whose duty it is to collect and~~
 27 ~~pay over such moneys fails to remit the sums within 60 days of the date they are~~
 28 ~~required to be paid over, the same shall be delinquent and there may be imposed, in~~
 29 ~~addition to the principal amount due, a specific penalty in the amount of 5 percent of~~
 30 ~~said principal amount per month for each month during which the money is continued~~
 31 ~~to be delinquent, not to exceed a total of 25 percent of the principal amount. Reserved.~~

32 15-21-76.

1 ~~Any person whose duty it is to collect and remit the sum provided for in this article who~~
 2 ~~fails or refuses to so remit shall be guilty of a misdemeanor. Reserved.~~

3 15-21-77.

4 (a) An amount equal to all funds remitted as provided in Code Section 15-21-74 the net
 5 proceeds derived under subparagraphs (a)(1)(A) and (a)(2)(A) of Code Section
 6 15-21-73 in the immediately preceding year shall be appropriated to fund law
 7 enforcement or prosecutorial officers' training, or both, and activities incident thereto,
 8 including, but not limited to, payment or repayment to the state treasury for capital
 9 outlay, general obligation bond debt service, administrative expenses, and any other
 10 expense or fund application which the General Assembly may deem appropriate. This
 11 ~~Code section~~ subsection shall not preclude the appropriation of a greater amount for this
 12 purpose.

13 (b) It is the intent of the General Assembly that all funds derived under subparagraphs
 14 (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73 shall be made available through the
 15 general appropriations process and may be appropriated for purposes of funding
 16 indigent defense."

17 SECTION 6.

18 Said Title 15 is further amended by striking subsection (a) of Code Section 15-21-94,
 19 relating to collection and expenditure of county jail fund fees, and inserting in its place a
 20 new subsection to read as follows:

21 "(a) The sums provided for in Code Section 15-21-93 shall be assessed and collected by
 22 the clerk or court officer charged with the duty of collecting moneys arising from fines
 23 and forfeited bonds and shall be paid over by the last day of the month after the month
 24 of collection to the Georgia Superior Court Clerks' Cooperative Authority for
 25 remittance to the governing authority of the county in which the court is located or, in
 26 the case of a municipality which has contracted for jail services, to the governing
 27 authority of the county with which the municipality has contracted ~~by the tenth day of~~
 28 ~~the month following the month in which such sums are collected.~~ Such sums paid over
 29 to the governing authority shall be deposited by the governing authority into a special
 30 account to be known as the 'county jail fund.'"

31 SECTION 7.

1 Said Title 15 is further amended by striking subsection (a) of Code Section 15-21-101,
 2 relating to collection and expenditure of county drug abuse and treatment education fees,
 3 and inserting in its place a new subsection to read as follows:

4 "(a) The sums provided for in Code Section 15-21-100 shall be collected by the clerk or
 5 court officer charged with the duty of collecting moneys arising from fines and forfeited
 6 bonds and shall be paid over by the last day of the month after the month of collection
 7 to the Georgia Superior Court Clerks' Cooperative Authority for remittance to the
 8 governing authority of the county in which the court is located ~~upon receipt of the fine~~
 9 ~~and assessment if paid in full at the time of sentencing or upon receipt of the final~~
 10 ~~payment if the fine is paid in installments.~~ Those sums paid over to the governing
 11 authority shall be deposited thereby into a special account to be known as the 'County
 12 Drug Abuse Treatment and Education Fund.'"

13 **SECTION 8.**

14 Said Title 15 is further amended by striking Code Sections 15-21-113 and 15-21-114,
 15 relating to collection and remittance of additional penalties in driving under the influence
 16 cases for the Georgia Crime Victims Emergency Fund, and inserting in their place the
 17 following:

18 "15-21-113.

19 The sums provided for in Code Section 15-21-112 shall be assessed and collected by the
 20 court officer charged with the duty of collecting moneys arising from fines and shall be
 21 paid over by the last day of the following month to the Georgia Superior Court Clerks'
 22 Cooperative Authority for remittance to the Georgia Crime Victims Compensation
 23 Board ~~by the last day of the month there following~~, to be deposited into the Georgia
 24 Crime Victims Emergency Fund. The ~~Georgia Crime Victims Compensation Board~~
 25 authority shall, on a quarterly basis, make a report and accounting of all funds collected
 26 pursuant to this article and shall submit such report and accounting to the Office of
 27 Planning and Budget and the Legislative Budget Office no later than 30 days after the
 28 last day of the preceding quarter.

29 15-21-114.

30 ~~When any such person, agency, or unit of government whose duty it is to collect and~~
 31 ~~pay over such moneys fails to remit the sums within 60 days of the date they are~~
 32 ~~required to be paid over, the same shall be delinquent and there may be imposed, in~~
 33 ~~addition to the principal amount due, a specific penalty in the amount of 5 percent of~~

1 ~~said principal amount per month for each month during which the money is continued~~
 2 ~~to be delinquent, not to exceed a total of 25 percent of the principal amount. Reserved.~~"

3 SECTION 9.

4 Said Title 15 is further amended by striking Code Sections 15-21-132 and 15-21-133,
 5 relating to collection and remittance of additional penalties for local victim assistance
 6 programs, and inserting in their place the following:

7 "15-21-132.

8 (a) The sums provided for in Code Section 15-21-131 shall be assessed and collected
 9 by the court officer charged with the duty of collecting moneys arising from fines and
 10 shall be paid over ~~on a monthly basis~~ to the Georgia Superior Court Clerks' Cooperative
 11 Authority by the end of the month after the month of collection. The net proceeds shall
 12 be distributed by the authority as follows:

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

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

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

29 (b) The Criminal Justice Coordinating Council shall promulgate rules governing the
 30 approval of victim assistance programs. The rules shall provide for the approval of
 31 programs which are designed to provide substantial assistance to victims of crime in
 32 understanding and dealing with the criminal justice system as it relates to the crimes
 33 committed against them. It is the intention of the General Assembly that approval shall

1 be liberally granted so as to encourage local innovations in the development of victim
2 assistance programs.

3 15-21-133.

4 ~~Moneys collected as provided for in this article shall be paid over as provided for in this
5 article by the last day of the month following the month in which they are collected.~~

6 ~~When any person, agency, or unit of government whose duty it is to collect and pay
7 over such moneys fails to remit the sums within 60 days of the date they are required to
8 be paid over, the same shall be delinquent and there may be imposed, in addition to the
9 principal amount due, a specific penalty in the amount of 5 percent of said principal
10 amount per month for each month during which the money is continued to be
11 delinquent, not to exceed a total of 25 percent of the principal amount. Reserved."~~

12 **SECTION 10.**

13 Said Title 15 is further amended by striking Code Sections 15-21-150 and 15-21-151,
14 relating to collection and remittance of additional penalties in driving under the influence
15 cases for the Brain and Spinal Injury Trust Fund, and inserting in their place the
16 following:

17 "15-21-150.

18 The sums provided for in Code Section 15-21-149 shall be assessed and collected by
19 the clerk or court officer charged with the duty of collecting moneys arising from fines
20 and shall be paid over by the last day of the following month to the Georgia Superior
21 Court Clerks' Cooperative Authority for remittance to the Brain and Spinal Injury Trust
22 Fund Commission created in Code Section 15-21-143 ~~by the last day of the month
23 there following~~, to be deposited into the Brain and Spinal Injury Trust Fund.

24 15-21-151.

25 ~~Moneys collected as provided for in this article shall be paid over as provided for in this
26 article by the last day of the month following the month in which they are collected.~~

27 ~~When any person, agency, or unit of government whose duty it is to collect and pay
28 over such moneys fails to remit the sums within 60 days of the date they are required to
29 be paid over, the same shall be delinquent and there may be imposed, in addition to the
30 principal amount due, a specific penalty in the amount of 10 percent of said principal
31 amount per month for each month during which the money is continued to be
32 delinquent, not to exceed a total of 25 percent of the principal amount. Reserved."~~

1 treasurer and the county governing authority. The county ordinance code provided for
 2 in subsection (a) of Code Section 36-15-7 shall be maintained by the county governing
 3 authority. When the costs in criminal cases are not collected, the cost provided in this
 4 Code section shall be paid from the fines and forfeitures fund of the court in which the
 5 case is filed, before any other disbursement or distribution of such fines or forfeitures is
 6 made."

7 **SECTION 13.**

8 Said Title 36 is further amended by striking Code Section 36-15-11, relating to collection
 9 and remittance of county law library fees in certain counties, and inserting in its place a
 10 new Code section to read as follows:

11 "36-15-11.

12 Notwithstanding any other provision of this chapter, in all counties of this state having a
 13 population of 700,000 or more according to the United States decennial census of 1980
 14 or any future such census, all funds collected by reason of this chapter shall be paid to
 15 the Georgia Superior Court Clerks' Cooperative Authority. The authority shall transmit
 16 the net proceeds into the general treasury of such county, to be used for lawful purposes
 17 of the courts of the county, including the maintenance of a county law library; and there
 18 shall be no county law library fund. All disbursements for the purposes of this chapter
 19 shall be in accordance with the budget procedures which may be established in such
 20 counties. In such counties there shall be no treasurer of the board of trustees. The
 21 county governing authorities of such counties shall report to the board of trustees, not
 22 later than January 15 of each year, the amount of money collected in the preceding
 23 calendar year by the assessment of such fees as are provided in this chapter."

24 **SECTION 14.**

25 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is
 26 amended by striking subsection (d) of Code Section 42-8-34, relating to determination
 27 and disposition of probation, and inserting in its place a new subsection to read as
 28 follows:

29 "(d)(1) In every case that a court of this state or any other state sentences a defendant
 30 to probation or any pretrial release or diversion program under the supervision of the
 31 department, in addition to any fine or order of restitution imposed by the court, there
 32 shall be imposed a probation fee as a condition of probation, release, or diversion in
 33 the amount equivalent to \$23.00 per each month under supervision, and in addition, a

1 one-time fee of \$50.00 where such defendant was convicted of any felony. The
 2 probation fee may be waived or amended after administrative process by the
 3 department and approval of the court, or upon determination by the court, as to the
 4 undue hardship, inability to pay, or any other extenuating factors which prohibit
 5 collection of the fee; provided, however, that the imposition of sanctions for failure to
 6 pay fees shall be within the discretion of the court through judicial process or
 7 hearings. Probation fees shall be waived on probationers incarcerated or detained in a
 8 departmental or other confinement facility which prohibits employment for wages. All
 9 probation fees collected by the department shall be paid into the general fund of the
 10 state treasury, except as provided in subsection (f) of Code Section 17-15-13, relating
 11 to sums to be paid into the Georgia Crime Victims Emergency Fund. Any probation
 12 fees collected by the court shall be remitted not later than the last day of the month
 13 after such fee is collected to the Superior Court Clerks' Cooperative Authority for
 14 deposit into the general fund of the state treasury.

15 (2) In addition to any other provision of law, any person convicted of a violation of
 16 Code Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to
 17 probation or a suspended sentence by a municipal, magistrate, probate, state, or
 18 superior court shall also be required by the court to pay a one-time fee of \$25.00. The
 19 clerk of court, or if there is no clerk the person designated to collect fines, fees, and
 20 forfeitures for such court, shall collect such fee and remit the same ~~to the general fund~~
 21 ~~of the state treasury~~ not later than the ~~tenth~~ last day of the month after such fee is
 22 collected ~~and shall be subject to rule and attachment in the same manner as clerks of~~
 23 ~~superior court for failure to so collect and remit~~ to the Georgia Superior Court Clerks'
 24 Cooperative Authority for deposit into the general fund of the state treasury."

25 SECTION 15.

26 This Act shall become effective on July 1, 2004. This Act shall apply with respect to
 27 funds collected by court clerks and other officers and agents collecting funds subject to
 28 this Act on or after that date, except that partial and installment payments held by clerks
 29 and other officers and agents on July 1, 2004, shall on and after that date be subject to this
 30 Act.

31 SECTION 16.

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