

House Bill 1807

By: Representative Benfield of the 56<sup>th</sup>, Post 1

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to the  
2 payment and disposition of fines and forfeitures, so as to authorize the collection of a civil  
3 filing fee in certain courts; to provide for distribution of the fee revenue; to provide for  
4 deposit of the fee revenue into a separate fund; to provide for penalties; to provide that fee  
5 revenues shall be used exclusively for the purpose of providing indigent defense services;  
6 to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 21 of Title 15 of the Official Code of Georgia annotated, relating to the payment and  
10 disposition of fines and forfeitures, is amended by inserting after Article 9 a new Article 10  
11 to read as follows:

12 "ARTICLE 10

13 15-21-160.

14 Upon filing any civil action in superior, state, magistrate, probate, civil, or recorders court,  
15 the plaintiff shall pay a filing fee of \$20.00 in addition to any other filing fee or fees  
16 otherwise required by law to be paid to such court.

17 15-21-161.

18 Except as provided in subsection (c) of Code Section 15-21-162, 50 percent of the fee  
19 required to be paid pursuant to Code Section 15-21-160 in superior court shall be remitted  
20 by the clerk of superior court to the state revenue commissioner and deposited into the  
21 general treasury of the state.

1 15-21-162.

2 (a) Except as provided in subsection (c) of this Code section, 50 percent of the filing fee  
3 required to be paid pursuant to Code Section 15-21-160 in superior court shall be remitted  
4 by the clerk of the superior court to the governing authority of the county in which the  
5 court is located.

6 (b) The filing fee required to be paid pursuant to Code Section 15-21-160 in state,  
7 magistrate, probate, civil, and recorder's courts shall be remitted by the clerk of the  
8 respective court or the court officers charged with the duty of collecting moneys arising  
9 from fines and forfeited bonds to the governing authority of the county in which each court  
10 is located.

11 (c) In any circuit where an alternative delivery system is approved in accordance with  
12 Code Section 17-12-36, all of the filing fees required to be paid pursuant to Code Section  
13 15-2-160 in superior, state, magistrate, probate, civil, and recorder's courts shall be  
14 assessed and collected by the clerks of the respective courts or court officers charged with  
15 the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over  
16 to the governing authority of the county in which each court is located.

17 15-21-163.

18 The sums required to be paid over to the county governing authority by Code Section  
19 15-21-162 shall be deposited by the governing authority into a special interest bearing  
20 account to be known as the 'County Indigent Defense Fund.'

21 15-21-164.

22 Any person whose duty it is to collect and remit the sums provided for in this article who  
23 fails or refuses to remit such sums by the date required by this article shall be guilty of a  
24 misdemeanor.

25 15-21-165.

26 The fees remitted to the county governing authority and placed in the county indigent  
27 defense fund shall be expended by the county governing authority solely and exclusively  
28 to provide indigent defense services in the several courts serving the county."

29 **SECTION 2.**

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

31 **SECTION 3.**

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