

House Bill 1561 (FLOOR SUBSTITUTE)

By: Representatives Buckner of the 82nd, Manning of the 32nd, Jenkins of the 93rd, Childers of the 13th, Post 1, Marin of the 66th, and others

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 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

16 "15-21-132.

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

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

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

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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 men, women, and
 27 children who are victims of crime through the distribution of the fine surcharges imposed
 28 for local victim assistance programs.

29 35-6-2.

30 (a) The State Victim Services Commission shall consist of 17 members as follows:

31 (1) The executive director of the Prosecuting Attorneys' Council of Georgia or his or her
 32 designee;

33 (2) The president of the Georgia Sheriffs' Association or his or her designee;

- 1 (3) The executive director of the Criminal Justice Coordinating Council or his or her
 - 2 designee;
 - 3 (4) The chairperson of the Georgia Commission on Family Violence or his or her
 - 4 designee;
 - 5 (5) The executive director of the Georgia Coalition Against Domestic Violence or his or
 - 6 her designee;
 - 7 (6) The executive director of the Association County Commissioners of Georgia or his
 - 8 or her designee;
 - 9 (7) The Georgia Child Advocate or his or her designee;
 - 10 (8) The executive director of the Children's Advocacy Centers of Georgia or his or her
 - 11 designee;
 - 12 (9) The chairperson of the Georgia Commission on Women or his or her designee;
 - 13 (10) The executive director of the Georgia Superior Court Clerks' Cooperative Authority
 - 14 or his or her designee;
 - 15 (11) The executive director of the Georgia Association of Homes and Services for
 - 16 Children or his or her designee;
 - 17 (12) The executive director of the Georgia Municipal Association or his or her designee;
 - 18 (13) The executive director of the Georgia Network to End Sexual Assault or his or her
 - 19 designee;
 - 20 (14) A district attorney appointed by the Prosecuting Attorneys' Council of Georgia;
 - 21 (15) One member appointed by the Governor;
 - 22 (16) One member appointed by the Lieutenant Governor; and
 - 23 (17) One member appointed by the Speaker of the House of Representatives.
- 24 (b) The term of appointment shall be three years for initial members appointed in
- 25 accordance with the provisions of paragraphs (15) and (17) of subsection (a) of this Code
- 26 section. The term of appointment shall be two years for initial members appointed in
- 27 accordance with the provisions of paragraphs (14) and (16) of subsection (a) of this Code
- 28 section. The letter of appointment shall set out the term for which each member is
- 29 appointed. Thereafter, each member shall be appointed for a term of two years, and no
- 30 member may serve more than two consecutive terms. All vacancies shall be filled for the
- 31 unexpired term by an appointee of the original appointing official.
- 32 (c) The commission shall elect a chairperson, vice chairperson, and a secretary from
- 33 among its members for terms of two years, and any member shall be eligible for successive
- 34 election to such office by the commission.
- 35 (d) The commission shall hold regular meetings at such times and such places as it may
- 36 deem necessary or convenient to enable the commission to exercise fully and effectively
- 37 its powers, perform its duties, and accomplish the objectives and purposes of this chapter.

1 Special meetings may be called by the chairperson or a majority of the members of the
2 commission.

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

5 (f) The members of the commission shall serve without compensation or expense
6 reimbursement.

7 35-6-3.

8 (a) The State Victim Services Commission shall have the following powers and duties:

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

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

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

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

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

19 (6) To promulgate as necessary and advisable rules and regulations for the collection and
20 distribution of funds by court officers pursuant to Article 8 of Chapter 21 of Title 15;

21 (7) To decertify agencies, organizations, and programs designed to assist victims of
22 crimes in this state; and

23 (8) To establish a fair and comprehensive procedure for the distribution of victim
24 assistance funds to all agencies, organizations, and certified programs designed to assist
25 victims of crime in this state.

26 (b) The commission may establish a victim services ombudsman program, provided that
27 funds are appropriated by the General Assembly for such purpose or the commission
28 receives sufficient funds from private grants or donations to fund such program.

29 35-6-4.

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

32 (b) Any victim assistance program, including programs operated by public officers, that
33 receives funds pursuant to Article 8 of Chapter 21 of Title 15 shall make available to the
34 State Victim Services Commission, the state auditor, or such other persons as the State
35 Victim Services Commission may designate all books and records of all receipts, income,

1 and expenditures of such funds. The commission and its designees shall be authorized to
2 inspect and make abstracts of records of services provided to victims of crimes by any
3 victim assistance program, including programs operated by public officers, that receives
4 funds pursuant to Article 8 of Chapter 21 of Title 15, provided that the commission and its
5 designees shall not disclose the content of individually identifiable records that contain
6 information that is privileged or confidential under the laws of this state or federal law."

7 **SECTION 3.**

8 This Act shall become effective upon its approval by the Governor or upon its becoming law
9 without such approval.

10 **SECTION 4.**

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