

The Senate Special Judiciary Committee offered the following substitute to HB 1561:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 8 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated,
2 relating to funding of local victim assistance programs, 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 certified programs; to provide for certain reports; to provide
5 for certain disbursements; to provide for certain reserve funds; to amend Title 35 of the
6 Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so
7 as to create the State Victim Services Commission; to provide for its composition,
8 membership, filling of vacancies, powers, duties, and responsibilities; to provide for
9 meetings; to provide for the obtaining of certain information; to provide for certain reviews
10 and investigations; to provide for the commission to make certain recommendations; to
11 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

14 Article 8 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
15 funding of local victim assistance programs, is amended by striking Code Section 15-21-132,
16 relating to assessment and collection of victim assistance funds, and inserting in lieu thereof
17 a new Code Section 15-21-132 to read as follows:

18 "15-21-132.

19 (a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by
20 the court officer charged with the duty of collecting moneys arising from fines and shall
21 be paid over ~~on a monthly basis~~ to the appropriate authority designated by law by the end
22 of the month after the collection. The net proceeds shall be distributed by such authority
23 as follows:

24 (1) If the county where the fine was imposed operates or participates in a victim
25 assistance program ~~approved~~ certified by the Criminal Justice Coordinating Council, then
26

1 the moneys shall be paid over to the governing authority of the county for disbursement
 2 to that victim assistance program; or

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

10 All such funds shall be paid to the recipients by the last day of the month in which the
 11 funds are received; provided, however, that the governing authority of the county shall be
 12 authorized to hold as reserve funds an amount not to exceed 5 percent of the funds received
 13 by the governing authority in the preceding calendar year.

14 ~~(a.1) The court officer charged with the duty of collecting moneys arising from fines~~
 15 ~~pursuant to this Code section and Code Section 15-21-133 is required to submit to the~~
 16 ~~Criminal Justice Coordinating Council a monthly financial report which states the amount~~
 17 ~~collected and the agencies, organizations, or programs which directly received funds in that~~
 18 ~~same period from said officer in order to allow coordination of local, state, and federal~~
 19 ~~funding sources for similar services~~ The authority designated by law to receive and
 20 distribute the funds to the county governing authorities shall submit a financial report to
 21 the Criminal Justice Coordinating Council each month stating the amount collected and the
 22 amount disbursed to each county governing authority no later than the last day of the month
 23 following the month in which the funds were collected.

24 (a.2) The county governing authority receiving funds shall submit a financial report to the
 25 Criminal Justice Coordinating Council semiannually stating the agencies, organizations,
 26 and programs that directly received funds during such reporting period no later than the last
 27 day of the month following the reporting period in which the funds were collected in order
 28 to allow coordination of local, state, and federal funding sources for similar services. The
 29 Criminal Justice Coordinating Council shall report annually to the General Assembly the
 30 county governing authorities that failed to submit semiannual reports during the previous
 31 calendar year.

32 (a.3) An annual report shall be submitted to the Criminal Justice Coordinating Council by
 33 all certified agencies, organizations, and programs that shall include, but not be limited to,
 34 the total amount of funds received from each county governing authority, the purposes for
 35 which the funds were expended, and the total number of victims served in each county for
 36 which the agency, organization, or program is certified. A copy of the annual report shall

1 be submitted by all certified agencies, organizations, and programs to each county
 2 governing authority from which funds are received pursuant to this Code section.

3 (b) The Criminal Justice Coordinating Council shall promulgate rules governing the
 4 approval certification of victim assistance programs. The rules shall provide for the
 5 approval certification of programs which are designed to provide substantial assistance to
 6 victims of crime in understanding and dealing with the criminal justice system as it relates
 7 to the crimes committed against them. It is the intention of the General Assembly that
 8 approval certification shall be liberally granted so as to encourage local innovations in the
 9 development of victim assistance programs.

10 (c) The Criminal Justice Coordinating Council shall promulgate rules and regulations
 11 governing the revocation of certification of victim assistance programs. Such rules and
 12 regulations shall provide for the decertification of programs previously certified by the
 13 Criminal Justice Coordinating Council that are no longer in compliance with the guidelines
 14 of the Criminal Justice Coordinating Council.

15 (d) Moneys arising from fines pursuant to this Code section shall not be paid to any victim
 16 assistance program that has not been certified by the Criminal Justice Coordinating Council
 17 or has been decertified by such council."

18 SECTION 2.

19 Said article is further amended by striking Code Section 15-21-133, relating to payment of
 20 addition sums, and inserting in lieu thereof a new Code Section 15-21-133 to read as follows:

21 "15-21-133.

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

30 SECTION 3.

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

"CHAPTER 6

35-6-1.

There is created the State Victim Services Commission. Such commission shall be responsible for developing a comprehensive state plan for assisting men, women, and children who are victims of crime through the distribution of the fine surcharges imposed for local victim assistance programs.

35-6-2.

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

- (1) The executive director of the Prosecuting Attorneys' Council of Georgia or his or her designee;
- (2) The president of the Georgia Sheriffs' Association or his or her designee;
- (3) The executive director of the Criminal Justice Coordinating Council or his or her designee;
- (4) The chairperson of the Georgia Commission on Family Violence or his or her designee;
- (5) The executive director of the Georgia Coalition Against Domestic Violence or his or her designee;
- (6) The executive director of the Association County Commissioners of Georgia or his or her designee;
- (7) The Georgia Child Advocate or his or her designee;
- (8) The executive director of the Children's Advocacy Centers of Georgia or his or her designee;
- (9) The chairperson of the Georgia Commission on Women or his or her designee;
- (10) The executive director of the Georgia Superior Court Clerks' Cooperative Authority or his or her designee;
- (11) The executive director of the Georgia Association of Homes and Services for Children or his or her designee;
- (12) The executive director of the Georgia Municipal Association or his or her designee;
- (13) The executive director of the Georgia Network to End Sexual Assault or his or her designee;
- (14) A district attorney appointed by the Prosecuting Attorneys' Council of Georgia;
- (15) One member appointed by the Governor;
- (16) One member appointed by the Lieutenant Governor; and
- (17) One member appointed by the Speaker of the House of Representatives.

1 (b) The term of appointment shall be three years for initial members appointed in
2 accordance with the provisions of paragraphs (15) and (17) of subsection (a) of this Code
3 section. The term of appointment shall be two years for initial members appointed in
4 accordance with the provisions of paragraphs (14) and (16) of subsection (a) of this Code
5 section. The letter of appointment shall set out the term for which each member is
6 appointed. Thereafter, each member shall be appointed for a term of two years, and no
7 member may serve more than two consecutive terms. All vacancies shall be filled for the
8 unexpired term by an appointee of the original appointing official.

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

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

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

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

21 35-6-3.

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

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

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

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

29 (4) To assess the extent to which such funds are utilized by such victim services
30 programs to provide direct services to victims of crimes;

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

33 (6) To recommend as necessary and advisable rules and regulations for the collection and
34 distribution of funds by court officers pursuant to Article 8 of Chapter 21 of Title 15.

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

4 35-6-4.

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

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

17 **SECTION 4.**

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

20 **SECTION 5.**

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