

## SENATE SUBSTITUTE TO HB 869:

A BILL TO BE ENTITLED  
AN ACT

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

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**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

26 "(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 Governor;

23 (E) One member appointed by the Senate Committee on Assignments; 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  
 34 enacted into the law and Constitution of this state numerous provisions relating to court

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

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

13 15-21A-2.

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

16 15-21A-3.

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

- 22 (1) The additional divorce case filing fee under Code Section 15-6-77.4 and the  
23 additional marriage license fee under Code Section 15-9-60.1;
- 24 (2) The surcharge on fines and bonds imposed for the training of law enforcement and  
25 prosecutorial officers and for indigent defense purposes under Code Section 15-21-73;
- 26 (3) The additional penalties imposed in cases of driving under the influence for purposes  
27 of state crime victims compensation under Code Section 15-21-112;
- 28 (4) The additional penalties imposed in cases of driving under the influence for purposes  
29 of the Brain and Spinal Injury Trust Fund under Code Section 15-21-149; and
- 30 (5) Probation fees collected by the courts under Code Section 42-8-34.

31 15-21A-4.

32 (a)(1) Each clerk of any court or any other officer or agent of any court receiving any  
33 funds subject to this chapter on or after July 1, 2004, shall remit all such funds to the  
34 authority by the end of the month following the month in which such funds are received.

1 (2) The chief judge of superior court for each county shall have the authority to require  
2 compliance with paragraph (1) of this subsection by any court within the county. If any  
3 court is more than 60 days delinquent or is habitually delinquent in remitting any funds  
4 or reports required under this Code section or Code Section 15-21A-6, the authority shall  
5 notify the chief judge of superior court of the county in which the court is located.

6 (b) The authority shall prescribe uniform procedures and forms for the reporting and  
7 remittance of all funds subject to Code Section 15-21A-3; and all clerks or other officers  
8 or agents remitting such funds shall use the prescribed procedures and forms in reporting  
9 and remitting funds to the authority.

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

16 15-21A-5.

17 (a) The authority shall be entitled to retain from the funds received by the authority under  
18 Code Section 15-21A-3 and 15-21A-6 an amount equal to 1 percent of such funds, but in  
19 no event more than \$500,000.00 per fiscal year, to reimburse the authority for its costs in  
20 administering this chapter. The net proceeds, after deduction of such administrative costs,  
21 from the funds received by the authority under Code Section 15-21A-3 shall be remitted  
22 by the authority as follows:

23 (1) The net proceeds received pursuant to paragraph (1) of Code Section 15-21A-3 shall  
24 be remitted to the general fund of the state treasury;

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

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

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

33 (5) The net proceeds received pursuant to paragraph (5) of Code Section 15-21A-3 shall  
34 be remitted to the general fund of the state treasury.

35 (b) The net proceeds received pursuant to Code Section 15-21A-6 shall be remitted to the  
36 general fund of the state treasury.

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

3 15-21A-6.

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

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

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

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

25 15-21A-7.

26 (a) The authority shall develop a reporting and accounting system that employs controls  
27 necessary to determine the accuracy of the fine and fee collections and disbursement by  
28 each clerk of court or other officer or agent of any court receiving any funds subject to this  
29 chapter. No later than 30 days after the end of the last day of each month, each such clerk  
30 or agent shall report to the authority on a reporting system prescribed by the authority. Any  
31 entity doing business with such clerk or agents and all agencies of the state shall cooperate  
32 in providing on a timely basis any information or data requested by the authority pursuant  
33 to this chapter in a format prescribed by the authority by regulation.

34 (b) The authority shall, on a quarterly basis, make a detailed report and accounting of all  
35 funds collected and remitted pursuant to this chapter and shall submit such report and

1 accounting to the Office of Planning and Budget, the Legislative Budget Office, the Senate  
 2 Budget Office, and the General Assembly no later than 30 days after the last day of the  
 3 preceding quarter in order to facilitate review and evaluation of such reports to identify,  
 4 among other things, opportunities to reduce or consolidate fees as appropriate.

5 15-21A-8.

6 Any clerk of court or any other officer or agent receiving any funds subject to this Code  
 7 who willfully refuses or fails to pay over any such funds to the authority as required by this  
 8 Code section shall be guilty of a misdemeanor. The offense created by this Code section  
 9 shall not merge with any other offense.

### 10 SECTION 3.

11 Said Title 15 is further amended by striking subsection (a) of Code Section 15-6-77.4,  
 12 relating to additional filing fees in divorce cases, and inserting in its place a new subsection  
 13 to read as follows:

14 "(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and  
 15 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional  
 16 fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce  
 17 cases as provided in this Code section and shall pay such moneys over to the ~~commissioner~~  
 18 ~~of revenue~~ Georgia Superior Court Clerks' Cooperative Authority by the last day of the  
 19 month there following, to be deposited by ~~him~~ the authority into the general treasury. The  
 20 ~~commissioner of revenue~~ authority shall, on a quarterly basis, make a report and accounting  
 21 of all funds collected pursuant to this Code section and shall submit such report and  
 22 accounting to the Office of Planning and Budget, ~~and~~ the Legislative Budget Office, and  
 23 the Senate Budget Office no later than 30 days after the last day of the preceding quarter."

### 24 SECTION 4.

25 Said Title 15 is further amended by striking Code Section 15-9-60.1, relating to additional  
 26 marriage license fees, and inserting in its place a new Code section to read as follows:

27 "15-9-60.1.

28 ~~(a)~~ In addition to any fees required in Code Section 15-9-60 for receiving marriage  
 29 applications, issuing marriage licenses, and recording relative thereto, the judge of the  
 30 probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No  
 31 amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement  
 32 Fund of Georgia provided for in Chapter 11 of Title 47 ~~nor~~ or be used for the purpose of  
 33 calculating retirement benefits for judges of the probate courts. Each judge of the probate  
 34 court shall collect the additional fees for issuing marriage licenses as provided in this Code

1 section and shall pay such moneys over to the ~~commissioner of revenue~~ Georgia Superior  
 2 Court Clerks' Cooperative Authority by the last day of the month there following, to be  
 3 deposited by him the authority into the general treasury. The ~~commissioner of revenue~~  
 4 authority shall, on a quarterly basis, make a report and accounting of all funds collected  
 5 pursuant to this Code section and shall submit such report and accounting to the Office of  
 6 Planning and Budget, ~~and the Legislative Budget Office, and the Senate Budget Office~~ no  
 7 later than 30 days after the last day of the preceding quarter.

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

#### 14 SECTION 5.

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

#### 18 "ARTICLE 4

19 15-21-70.

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

22 15-21-71.

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

28 15-21-72.

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

1 15-21-73.

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

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

8 (B) An additional 10 percent of the original fine.

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

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

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

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

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

21 15-21-74.

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

31 15-21-75.

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

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

3 15-21-76.

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

6 15-21-77.

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

15 (b) It is the intent of the General Assembly that all funds derived under subparagraphs  
16 (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73 shall be made available through the  
17 general appropriations process and may be appropriated for purposes of funding indigent  
18 defense, except as provided in subsection (c) of this Code section.

19 (c) Where the Georgia Public Defender Standards Council has approved an alternative  
20 delivery system as set forth in Code Section 17-12-36, 34 percent of the funds derived  
21 under subparagraphs (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73 shall be made  
22 available through the general appropriations process and may be appropriated for purposes  
23 of funding indigent defense and 66 percent of the funds derived under subparagraphs  
24 (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73 shall be remitted to the county providing  
25 the alternative delivery system."

## 26 SECTION 6.

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

31 "15-21-113.

32 The sums provided for in Code Section 15-21-112 shall be assessed and collected by the  
33 court officer charged with the duty of collecting moneys arising from fines and shall be  
34 paid over by the last day of the following month to the Georgia Superior Court Clerks'

1 Cooperative Authority for remittance to the Georgia Crime Victims Compensation Board  
 2 ~~by the last day of the month there following~~, to be deposited into the Georgia Crime  
 3 Victims Emergency Fund. The ~~Georgia Crime Victims Compensation Board~~ authority  
 4 shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to  
 5 this article and shall submit such report and accounting to the Office of Planning and  
 6 Budget, ~~and the Legislative Budget Office, and the Senate Budget Office~~ no later than 30  
 7 days after the last day of the preceding quarter.

8 15-21-114.

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

#### 15 SECTION 7.

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

19 "15-21-150.

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

26 15-21-151.

27 ~~Moneys collected as provided for in this article shall be paid over as provided for in this~~  
 28 ~~article by the last day of the month following the month in which they are collected. When~~  
 29 ~~any person, agency, or unit of government whose duty it is to collect and pay over such~~  
 30 ~~moneys fails to remit the sums within 60 days of the date they are required to be paid over,~~  
 31 ~~the same shall be delinquent and there may be imposed, in addition to the principal amount~~  
 32 ~~due, a specific penalty in the amount of 10 percent of said principal amount per month for~~  
 33 ~~each month during which the money is continued to be delinquent, not to exceed a total of~~  
 34 ~~25 percent of the principal amount. Reserved."~~

**SECTION 8.**

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

"(d)(1) In every case that a court of this state or any other state sentences a defendant to probation or any pretrial release or diversion program under the supervision of the department, in addition to any fine or order of restitution imposed by the court, there shall be imposed a probation fee as a condition of probation, release, or diversion in the amount equivalent to \$23.00 per each month under supervision, and in addition, a one-time fee of \$50.00 where such defendant was convicted of any felony. The probation fee may be waived or amended after administrative process by the department and approval of the court, or upon determination by the court, as to the undue hardship, inability to pay, or any other extenuating factors which prohibit collection of the fee; provided, however, that the imposition of sanctions for failure to pay fees shall be within the discretion of the court through judicial process or hearings. Probation fees shall be waived on probationers incarcerated or detained in a departmental or other confinement facility which prohibits employment for wages. All probation fees collected by the department shall be paid into the general fund of the state treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia Crime Victims Emergency Fund. Any probation fees collected by the court shall be remitted not later than the last day of the month after such fee is collected to the Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.

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

**SECTION 9.**

Code Section 17-12-36, relating to establishment of alternate indigent defense delivery systems, as enacted by Ga. L. 2003, p. 191, is amended by striking paragraph (1) of subsection (a), and inserting in its place a new paragraph (1) to read as follows:

“(1) The delivery system:

(A) Has has a full-time director and staff and had been fully operational for at least two years on July 1, 2003; or

(B) Is administered by the county administrative office of the courts and had been fully operational for at least two years on July 1, 2003;”.

**SECTION 10.**

Section 9 of this Act shall become effective on January 1, 2005. The remaining sections of this Act shall become effective on July 1, 2004. Sections 1 through 8 of this Act shall apply with respect to funds collected by court clerks and other officers and agents collecting funds subject to this Act on or after that date, except that partial and installment payments held by clerks and other officers and agents on July 1, 2004, shall on and after that date be subject to this Act.

**SECTION 11.**

By amending OCGA 50-18-20 by striking the words "and a volume of" on line 4 of subparagraph (3)

By striking the word "volume" on line 5 of subparagraph (3)

By striking the last sentence of subparagraph (3).

**SECTION 12.**

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