

House Bill 77

By: Representative Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 change provisions relating to priorities of fines, forfeitures, surcharges, additional fees, and  
3 costs in cases of partial payments into the court; to provide for funding for local juvenile  
4 diversion programs through a fine surcharge; to provide for the use of said local juvenile  
5 diversion program surcharge; to provide an effective date and applicability; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking  
10 paragraph (10) of Code Section 15-6-95, relating to priorities of fines, forfeitures, surcharges,  
11 additional fees, and costs in cases of partial payments into the court, and inserting in lieu  
12 thereof the following:

13 "(10) After the final partial or installment payment, the ~~surcharge~~ surcharges provided for  
14 in ~~Code Sections 15-21-100 and 15-21-101~~ Article 6 of Chapter 21 of this title for the Drug  
15 Abuse Treatment and Education Fund and Article 10 of Chapter 21 of this title for local  
16 juvenile diversion programs."

17 **SECTION 2.**

18 Said title is further amended in Chapter 21, relating to payment and disposition of fines and  
19 forfeitures, by adding a new Article 10 to read as follows:

20 "ARTICLE 10

21 15-21-160.

22 It is the intent of this article to provide funding for local juvenile diversion programs.

1 15-21-161.

2 (a) In every case in which any court of this state or any municipality or political  
3 subdivision of this state shall impose a fine, which shall be construed to include costs, for  
4 any criminal offense or any criminal ordinance violation, there shall be imposed as an  
5 additional penalty a sum equal to 10 percent of the original fine.

6 (b) Such sums shall be in addition to any amount required by Code Section 47-17-60 to  
7 be paid into the Peace Officers' Annuity and Benefit Fund and in addition to any other  
8 amounts provided for by law.

9 15-21-162.

10 (a) The sums provided for in Code Section 15-21-161 shall be assessed and collected by  
11 the court officer charged with the duty of collecting moneys arising from fines and shall  
12 be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the end of the  
13 month after the collection. The net proceeds shall be distributed by such authority by being  
14 paid over to the juvenile court of the judicial circuit in which the county is located for the  
15 purpose of establishing and maintaining a local juvenile diversion program carried out by  
16 the juvenile court or by a program approved by the juvenile court. The purpose of a local  
17 juvenile diversion program is to reduce the number of juveniles proceeding through  
18 juvenile court and reduce recidivism by creating alternatives to the court system which may  
19 include intensive case management, referrals for other services, tracking and improving  
20 school attendance, increasing services and support for juveniles and their families through  
21 partnerships with private and public agencies, or providing mentoring or other activities  
22 for juveniles. The funds shall be paid over in the same manner as other county funds paid  
23 for operations of the juvenile court and shall be in addition to rather than in lieu of any  
24 other such funds. These funds shall be paid to the respective juvenile courts by the last day  
25 of the month in which the funds are received; provided, however, that the governing  
26 authority of the county shall be authorized to hold as reserve funds an amount not to exceed  
27 5 percent of the funds received by the governing authority in the preceding calendar year.

28 (b) This article shall not preclude the appropriation or expenditure of other funds by the  
29 governing authority of any county or by the General Assembly for the purpose of juvenile  
30 diversion programs."

31 **SECTION 3.**

32 This Act shall become effective on July 1, 2005, and shall apply to all criminal offenses  
33 alleged to have occurred on or after July 1, 2005.

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**SECTION 4.**

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