

House Bill 79

By: Representative Stephens of the 164th

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 juvenile diversion program carried out by the
16 juvenile court. Such funds shall be paid over in the same manner as other county funds paid
17 for operations of the juvenile court and shall be in addition to rather than in lieu of any
18 other such funds. All such funds shall be paid to the respective juvenile courts by the last
19 day of the month in which the funds are received; provided, however, that the governing
20 authority of the county shall be authorized to hold as reserve funds an amount not to exceed
21 5 percent of the funds received by the governing authority in the preceding calendar year.

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

25 **SECTION 3.**

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

28 **SECTION 4.**

29 All laws and parts of laws in conflict with this Act are repealed.