

Senate Bill 240

By: Senators Mullis of the 53rd, Hamrick of the 30th, Smith of the 52nd, Thomas of the 54th and Pearson of the 51st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to
2 payment into county treasuries of fines and forfeitures, so as to provide for payment of
3 certain moneys arising from traffic fines to the Department of Public Safety for payment into
4 the state treasury; to provide for certain appropriations based on such fines; to amend Article
5 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests,
6 trials, and appeals relative to prosecution of misdemeanor traffic offenses, so as to provide
7 for payment of certain moneys arising from traffic fines to the Department of Public Safety
8 for payment into the state treasury; to provide for certain appropriations based on such fines;
9 to provide for an effective date and applicability; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into
14 county treasuries of fines and forfeitures, is amended by striking subsection (a) and inserting
15 in lieu thereof the following:

16 "(a)(1) The clerks of the several courts shall pay into the county treasury of the county
17 where the court is held all moneys arising from fines and forfeitures collected by them
18 and, upon failure to do so, shall be subject to rule and attachment as in the case of
19 defaulting sheriffs.

20 (2) The provisions of paragraph (1) of this subsection shall not apply to the remainder
21 of any fines, after costs, imposed for violation of any speed limit or traffic violation
22 provided in or authorized by Chapter 6 of Title 40 on any interstate highway or entrance
23 or exit ramp thereto if the arrest or citation in such case was made or issued by a law
24 enforcement officer of a county or municipality, in which case 75 percent of such
25 remainder shall be remitted to the Department of Public Safety for payment into the state
26 treasury and 25 percent shall be paid in to the county treasury. It is the intent of the

1 General Assembly that, subject to appropriation, an amount equal to two-thirds of such
 2 proceeds received from such fines in any fiscal year shall be made available during the
 3 following fiscal year to the Department of Public Safety for equipping and adding
 4 additional members to the Uniform Division and an amount equal to one-third of such
 5 proceeds shall be made available to the Department of Transportation for expansion of
 6 the Highway Emergency Response Operators (HERO) Program statewide."

7 **SECTION 2.**

8 Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to
 9 arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, is
 10 amended by striking Code Section 40-13-26, relating to how sentences shall be served and
 11 disposition of fines and costs, and inserting in lieu thereof the following:

12 "40-13-26.

13 Defendants who plead guilty or who are convicted under this article shall be required to
 14 serve their sentences in such manner as is provided for by law in misdemeanor cases. In
 15 case a fine is imposed and paid, the officers of court, where on fee basis, shall first be paid
 16 their costs arising in such case. After the payment of all costs, the remainder of such fine
 17 shall be paid into the county treasury in the event the case is disposed of by the probate
 18 court; if the case is disposed of by the municipal court of an incorporated municipality, the
 19 remainder of such fine or fines shall be paid into the treasury of the municipality where the
 20 court is located, except that where such courts have jurisdiction beyond the corporate limits
 21 of a municipality, and the offense occurs outside the municipality, the fine shall be paid
 22 into the county treasury; provided, however, that in any case where a fine was imposed for
 23 violation of any speed limit or traffic violation provided in or authorized by Chapter 6 of
 24 this title on any interstate highway or entrance or exit ramp thereto if the arrest or citation
 25 in such case was made or issued by a law enforcement officer of a county or municipality,
 26 75 percent of the remainder of such fine shall be remitted to the Department of Public
 27 Safety for payment into the state treasury and 25 percent shall be paid into the county or
 28 municipal treasury, as appropriate. It is the intent of the General Assembly that, subject
 29 to appropriation, an amount equal to two-thirds of such proceeds received from such fines
 30 in any fiscal year shall be made available during the following fiscal year to the
 31 Department of Public Safety for equipping and adding additional members to the Uniform
 32 Division and an amount equal to one-third of such proceeds shall be made available to the
 33 Department of Transportation for expansion of the Highway Emergency Response
 34 Operators (HERO) Program statewide. The judge of the probate court or the person
 35 presiding over the municipal court must pay into the county treasury or municipal treasury,
 36 or Department of Public Safety by the fifteenth day of each month the remainder of all

1 fines for the preceding month. Such payment must be accompanied by a list showing the
2 name of the defendant in each case, the fine imposed in each case, the costs in each case
3 and to whom paid, and the balance which is being paid into the treasury. The official
4 making such payment must be given a written receipt by the person receiving the payment.
5 No officer receiving a salary will receive any fees for arresting or attending court in any
6 case arising under this article, but the usual fees must be assessed, and, if the arresting
7 officer is not entitled to the costs, they must go to the ~~county or city to which the fine is~~
8 ~~paid~~ county, city, or Department of Public Safety as required by this Code section."

9 **SECTION 3.**

10 This Act shall become effective July 1, 2005, and shall apply with respect to fines collected
11 and forfeitures forfeited on or after that date.

12 **SECTION 4.**

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