

The House Committee on Judiciary offers the following substitute to HB 192:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-21-132 of the Official Code of Georgia Annotated, relating to
2 assessment and collection of local victim assistance funds, so as to provide that local victim
3 assistance funds collected by the courts shall be paid directly to the county governing
4 authority or the district attorney; to provide for certain reports; to provide that the Criminal
5 Justice Coordinating Council shall quarterly prepare and publish a report of all courts that
6 have not filed certain reports; to provide for related matters; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 15-21-132 of the Official Code of Georgia Annotated, relating to assessment
11 and collection of local victim assistance funds, is amended by striking the Code section and
12 inserting in lieu thereof a new Code Section 15-21-132 to read as follows:

13 "15-21-132.

14 (a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by
15 the court officer charged with the duty of collecting moneys arising from fines and shall
16 be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the end of the
17 month after the collection. ~~The net proceeds shall be distributed by such authority as~~
18 ~~follows~~ monthly:

19 (1) If the county where the fine was imposed operates or participates in any victim
20 assistance program certified by the Criminal Justice Coordinating Council, ~~then the~~
21 ~~moneys shall be paid over~~ to the governing authority of the county for disbursement to
22 those victim assistance programs; or

23 (2) If the county where the fine was imposed does not operate or participate in any
24 victim assistance program certified by the Criminal Justice Coordinating Council, ~~then~~
25 ~~the moneys shall be paid over~~ to the district attorney of the judicial circuit in which the
26 county is located for the purpose of defraying the costs of victim assistance activities

1 carried out by the district attorney's office. Such funds shall be paid over in the same
 2 manner as other county funds paid for operations of the district attorney's office and shall
 3 be in addition to rather than in lieu of any other such funds.

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

8 (b) ~~The Georgia Superior Court Clerks' Cooperative Authority~~ The court officer charged
 9 with the duty of collecting moneys arising from fines as provided for in Code Section
 10 15-21-131 shall receive and distribute the funds collected pursuant to this Code section to
 11 the county governing ~~authorities~~ authority or district attorney, as appropriate, and shall
 12 submit a financial report to the Criminal Justice Coordinating Council each month stating
 13 the amount collected and the amount disbursed to ~~each county governing authority~~ no later
 14 than the last day of the month following the month in which the funds were collected.

15 (c) The county governing authority receiving funds shall submit a financial report to the
 16 Criminal Justice Coordinating Council semiannually stating the recipients that directly
 17 received funds during such reporting period no later than the last day of the month
 18 following the reporting period in which the funds were collected in order to allow
 19 coordination of local, state, and federal funding sources for similar services. The Criminal
 20 Justice Coordinating Council shall report annually to the General Assembly the county
 21 governing authorities that failed to submit semiannual reports during the previous calendar
 22 year.

23 (d) All recipients of funds pursuant to this Code section, except county governing
 24 authorities, shall submit an annual report to the Criminal Justice Coordinating Council.
 25 Such report shall include, but not be limited to, the total amount of funds received ~~from~~
 26 ~~each county governing authority~~ pursuant to this Code section, the purposes for which the
 27 funds were expended, and the total number of victims served in each county for which the
 28 funds were received. A copy of each recipient's annual report shall also be submitted to
 29 each county governing authority from which funds were received pursuant to this Code
 30 section.

31 (e) The Criminal Justice Coordinating Council shall promulgate rules governing the
 32 certification of victim assistance programs. The rules shall provide for the certification of
 33 programs which are designed to provide substantial assistance to victims of crime in
 34 understanding and dealing with the criminal justice system as it relates to the crimes
 35 committed against them. It is the intention of the General Assembly that certification shall
 36 be liberally granted so as to encourage local innovations in the development of victim
 37 assistance programs.

1 (f) The Criminal Justice Coordinating Council shall promulgate rules governing the
2 revocation of certification of victim assistance programs. Such rules shall provide for the
3 decertification of programs previously certified by the Criminal Justice Coordinating
4 Council that are no longer in compliance with the rules promulgated by the Criminal
5 Justice Coordinating Council pursuant to this Code section.

6 (g) Moneys arising from fines imposed pursuant to Code Section 15-21-131 shall not be
7 paid to any victim assistance program that has not been certified by the Criminal Justice
8 Coordinating Council or to any program that has been decertified by such council.

9 (h) Each calendar quarter, the Criminal Justice Coordinating Council shall prepare and
10 publish, by document and posting on its website, a report that shall list each court which
11 has not filed the reports required by subsection (b) of this Code section."

12 **SECTION 2.**

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