

Senate Bill 328

By: Senators Adelman of the 42nd, Butler of the 55th, Jones of the 10th, Thompson of the 5th, Miles of the 43rd and others

A BILL TO BE ENTITLED  
AN ACT

1 To create the DeKalb County Court Technology Fund; to authorize the imposition and  
2 collection of a technology fee for the filing of certain cases and the imposition of surcharges  
3 to certain fines; to specify the uses to which such fees and surcharges may be put; to provide  
4 for the auditing and accounting for such fund; to provide for a supervising board for such  
5 fund and the membership, composition, authority, powers, and duties thereof; to provide for  
6 related matters; to provide an effective date and automatic repeal; to repeal conflicting laws;  
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The DeKalb County Court Technology Fund is hereby established.

11 **SECTION 2.**

12 The clerk of the State Court of DeKalb County is authorized and shall be entitled to charge  
13 and collect a technology fee of \$5.00 for the filing of each civil action and a surcharge of  
14 \$5.00 to each fine imposed in each citation or accusation for which a defendant is found  
15 guilty or enters a plea of guilty, nolo contendere, or other plea resulting in the imposition of  
16 a fine in the State Court of DeKalb County. Such fees and surcharges shall be deposited by  
17 the clerk in the DeKalb County Court Technology Fund.

18 **SECTION 3.**

19 The clerk of the Recorders Court of DeKalb County is authorized and shall be entitled to  
20 charge and collect a surcharge of \$5.00 to each fine imposed in each citation for which a  
21 defendant is found guilty or enters a plea of guilty, nolo contendere, or other plea resulting  
22 in the imposition of a fine in the Recorders Court of DeKalb County. Such surcharges shall  
23 be deposited by the clerk in the DeKalb County Court Technology Fund.

**SECTION 4.**

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2 The clerk of the State Court of DeKalb County shall establish an account designated as the  
3 DeKalb County Court Technology Fund in the same manner as the clerk establishes other  
4 accounts of his or her office. The clerk shall:

5 (1) Maintain accurate records of all funds collected or imposed in accordance with this  
6 Act;

7 (2) Reconcile said account in the same manner as all other accounts supervised by the  
8 clerk;

9 (3) Be subject to the same audit requirements as all other accounts held by the clerk; and

10 (4) Provide the Supervising Board of the DeKalb County Court Technology Fund with  
11 an annual report of all expenditures and collections of the DeKalb County Court  
12 Technology Fund.

**SECTION 5.**

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14 There is created the Supervising Board of the DeKalb County Court Technology Fund which  
15 shall consist of five members. One member shall be a judge of the State Court of DeKalb  
16 County selected by majority vote of the active judges of the State Court of DeKalb County,  
17 one member shall be a judge of the Magistrate Court of DeKalb County selected by majority  
18 vote of the active judges of the Magistrate Court of DeKalb County, one member shall be a  
19 judge of the Recorders Court of DeKalb County selected by majority vote of the active  
20 judges of the Recorders Court of DeKalb County, one member shall be the clerk of the State  
21 Court of DeKalb County or his or her designee, and one member shall be the director of  
22 information systems for DeKalb County. Each member selected to serve on the board shall  
23 serve at the pleasure of the body or individual making such selection.

**SECTION 6.**

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25 The Supervising Board of the DeKalb County Court Technology Fund shall have the sole  
26 authority to direct the clerk to expend funds for technology for the courts in DeKalb County  
27 and may authorize the clerk to make reasonable expenditures for authorized projects from  
28 the fund, as necessary. In no case shall the fund be used for salaries or benefits for full-time  
29 personnel, but may be used to provide for temporary technical design and programming  
30 assistance on a case-by-case basis including payments for services in the design and  
31 implementation of systems to share information by and between the courts. Each such  
32 expenditure shall be documented by the clerk in a manner consistent with expenditures made  
33 by the clerk in other court related accounts.

**SECTION 7.**

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2 The first meeting of the supervising board shall be called by the clerk at which meeting the  
3 board shall select from its members a chairperson of the board who shall call meetings as  
4 necessary for the proper operation of the board. The supervising board shall meet no less  
5 than once each year to accept and review the annual report of the fund from the clerk but may  
6 meet, at the board's discretion, without public notice and with no less than three members  
7 in attendance.

**SECTION 8.**

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9 Moneys collected and deposited into the DeKalb County Court Technology Fund shall be  
10 used to supplement the funds appropriated to the offices of the clerk of the Superior Court  
11 of DeKalb County, the State Court of DeKalb County, the Magistrate Court of DeKalb  
12 County, and other courts in the DeKalb County court system, but shall not be used to  
13 supplant those funds appropriated by the DeKalb County Board of Commissioners or the  
14 DeKalb County government.

**SECTION 9.**

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16 This Act shall become effective on July 1, 2005, and shall be repealed by operation of law  
17 on June 30, 2008.

**SECTION 10.**

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