

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

AS PASSED

**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 a surcharge of \$5.00 to each fine imposed in each citation or accusation for which a
14 defendant is found guilty or enters a plea of guilty, nolo contendere, or other plea resulting
15 in the imposition of a fine in the State Court of DeKalb County. Such surcharges shall be
16 deposited by the clerk in the DeKalb County Court Technology Fund.

17 **SECTION 3.**

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

SECTION 4.

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

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

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

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

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

This Act shall become effective on July 1, 2005, and shall be repealed by operation of law on June 30, 2006.

SECTION 10.

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