

The House Committee on Judiciary Non-civil offers the following substitute to HR 1794:

A RESOLUTION

1 Creating the House Study Committee on Court Surcharges and Additional Fines; and for
2 other purposes.

3 WHEREAS, a wide array of additional fees, surcharges, fines, and other charges have been
4 added to filing fees for civil actions and to fines for criminal actions in the various courts of
5 our state; and

6 WHEREAS, there are over 20 different additional fees, surcharges, fines, and other charges
7 currently in place in Georgia and each year new proposals are presented for even more such
8 additional fees, surcharges, fines, and other charges; and

9 WHEREAS, the amount of these additional fees, surcharges, fines, and other charges have
10 begun to overtake and surpass the basic fees and fines for which they were originally
11 designed to be supplementary charges; and

12 WHEREAS, while the concept of having those who create a problem, either directly or
13 indirectly, pay for the amelioration of such problem instead of spreading the costs of such
14 problem on the general taxpayers is a good concept, there may be a point at which too much
15 of the cost is placed on these basic fees and fines, making such fees and fines oppressive and
16 unduly harsh and, in some cases, denying citizens access to justice.

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
18 there is created the House Study Committee on Court Surcharges and Additional Fines to be
19 composed of one superior court clerk, the chairman of the County and Municipal Probation
20 Advisory Counsel, and three members of the House to be appointed by the Speaker of the
21 House, who shall designate one member as the chairperson of the committee. The committee
22 shall meet at the call of the chairperson.

1 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,
2 needs, issues, and problems mentioned above or related thereto and recommend any actions
3 or legislation which the committee deems necessary or appropriate. In particular, the
4 committee shall study the use of additional fees, surcharges, fines, and other charges in the
5 court system and determine how such charges should be properly used and if such charges
6 are becoming unduly harsh and oppressive and are denying or deterring citizens from
7 accessing the courts. The committee may conduct such meetings at such places and at such
8 times as it may deem necessary or convenient to enable it to exercise fully and effectively
9 its powers, perform its duties, and accomplish the objectives and purposes of this resolution.
10 The legislative members of the committee shall receive the allowances authorized for
11 legislative members of interim legislative committees but shall receive the same for not more
12 than five days unless additional days are authorized. The funds necessary to carry out the
13 provisions of this resolution shall come from the funds appropriated to the House of
14 Representatives. In the event the committee makes a report of its findings and
15 recommendations, with suggestions for proposed legislation, if any, such report shall be
16 made on or before December 1, 2006. The committee shall stand abolished on December
17 1, 2006.