

House Bill 1209 (AS PASSED HOUSE AND SENATE)

By: Representatives Chambers of the 81st, Wilkinson of the 52nd, and Watson of the 91st

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 generated by motorcycle enforcement to the
4 Department of Public Safety for the maintenance and enhancement of the motorcycle
5 enforcement program; to amend Article 2 of Chapter 13 of Title 40 of the Official Code of
6 Georgia Annotated, relating to arrests, trials, and appeals relative to prosecution of
7 misdemeanor traffic offenses, so as to provide for payment of certain moneys arising from
8 traffic fines generated by motorcycle enforcement to the Department of Public Safety for the
9 maintenance and enhancement of the motorcycle enforcement program; to provide for an
10 effective date, automatic repeal, and applicability; to repeal conflicting laws; and for other
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

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

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

21 (2) The provisions of paragraph (1) of this subsection shall not apply to the remainder
22 of any fines, after costs, imposed for violation of any traffic offense provided in or
23 authorized by Chapter 6 of Title 40 on an urban interstate system if the arrest or citation
24 in such case was made or issued by a member of the Uniform Division of the Department
25 of Public Safety's motorcycle enforcement unit, in which case such remainder shall be

1 remitted to the Department of Public Safety and used for the maintenance and
 2 enhancement of the Department's motorcycle enforcement program.

3 (3) As used in this subsection, the term 'urban interstate system' means a portion of the
 4 national system of interstate and defense highways which:

5 (A) Is located entirely within any part of this state; and

6 (B) Includes a single numbered interstate highway which forms a closed loop or
 7 perimeter.

8 Where these conditions exist, the urban interstate system shall consist of the interstate
 9 highway constituting the closed loop or perimeter and all interstate highways or portions
 10 thereof located within such loop or perimeter, not including any portion of any interstate
 11 highway outside of the loop or perimeter."

12 SECTION 2.

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

17 "40-13-26.

18 (a) Defendants who plead guilty or who are convicted under this article shall be required
 19 to serve their sentences in such manner as is provided for by law in misdemeanor cases. In
 20 case a fine is imposed and paid, the officers of court, where on fee basis, shall first be paid
 21 their costs arising in such case. After the payment of all costs, the remainder of such fine
 22 shall be paid into the county treasury in the event the case is disposed of by the probate
 23 court; if the case is disposed of by the municipal court of an incorporated municipality, the
 24 remainder of such fine or fines shall be paid into the treasury of the municipality where the
 25 court is located, except that where such courts have jurisdiction beyond the corporate limits
 26 of a municipality, and the offense occurs outside the municipality, the fine shall be paid
 27 into the county treasury; provided, however, that in any case where a fine was imposed for
 28 violation of any traffic offense provided in or authorized by Chapter 6 of this title on any
 29 'urban interstate system' if the arrest or citation in such case was made or issued by a
 30 member of the Uniform Division of the Department of Public Safety's motorcycle
 31 enforcement unit, the remainder of such fine shall be remitted to the Department of Public
 32 Safety for the maintenance and enhancement of the Department's motorcycle program. The
 33 judge of the probate court or the person presiding over the municipal court must pay into
 34 the county treasury, or municipal treasury, or Department of Public Safety by the fifteenth
 35 day of each month the remainder of all fines for the preceding month. Such payment must
 36 be accompanied by a list showing the name of the defendant in each case, the fine imposed

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

8 (b) As used in this subsection, the term 'urban interstate system' means a portion of the
9 national system of interstate and defense highways which:

10 (1) Is located entirely within any part of this state; and

11 (2) Includes a single numbered interstate highway which forms a closed loop or
12 perimeter.

13 Where these conditions exist, the urban interstate system shall consist of the interstate
14 highway constituting the closed loop or perimeter and all interstate highways or portions
15 thereof located within such loop or perimeter, not including any portion of any interstate
16 highway outside of the loop or perimeter."

17 SECTION 3.

18 This Act shall become effective on July 1, 2006, and shall expire June 30, 2011, unless
19 renewed, and shall apply with respect to fines collected and forfeitures forfeited on or after
20 July 1, 2006.

21 SECTION 4.

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