

House Bill 344

By: Representatives Davis of the 109th, Barnard of the 166th, Jerguson of the 22nd, and Horne of the 71st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 42-8-34 of the Official Code of Georgia Annotated, relating to
2 probation hearings and determinations, referral of cases to probation supervisors, probation
3 or suspension of a sentence, payment of a fine or costs, disposition of a defendant prior to
4 a hearing, continuing jurisdiction, transferal of probation supervision, and probation fees, so
5 as to authorize the Department of Corrections to establish and collect additional fees for
6 services rendered to a felony defendant sentenced to a day reporting center; to provide for
7 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 42-8-34 of the Official Code of Georgia Annotated, relating to probation
12 hearings and determinations, referral of cases to probation supervisors, probation or
13 suspension of a sentence, payment of a fine or costs, disposition of a defendant prior to a
14 hearing, continuing jurisdiction, transferal of probation supervision, and probation fees, is
15 amended by revising subsection (d) to read as follows:

16 "(d)(1) In every case that a court of this state or any other state sentences a defendant to
17 probation or any pretrial release or diversion program under the supervision of the
18 department, in addition to any fine or order of restitution imposed by the court, there shall
19 be imposed a probation fee as a condition of probation, release, or diversion in the
20 amount equivalent to \$23.00 per each month under supervision, and in addition, a
21 one-time fee of \$50.00 where such defendant was convicted of any felony. The probation
22 fee may be waived or amended after administrative process by the department and
23 approval of the court, or upon determination by the court, as to the undue hardship,
24 inability to pay, or any other extenuating factors which prohibit collection of the fee;
25 provided, however, that the imposition of sanctions for failure to pay fees shall be within
26 the discretion of the court through judicial process or hearings. Probation fees shall be

27 waived on probationers incarcerated or detained in a departmental or other confinement
28 facility which prohibits employment for wages. All probation fees collected by the
29 department shall be paid into the general fund of the state treasury, except as provided in
30 subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia
31 Crime Victims Emergency Fund. Any fees collected by the court under this paragraph
32 shall be remitted not later than the last day of the month after such fee is collected to the
33 Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund
34 of the state treasury.

35 (2) In addition to any other provision of law, any person convicted of a violation of Code
36 Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to
37 probation or a suspended sentence by a municipal, magistrate, probate, recorder's,
38 mayor's, state, or superior court shall also be required by the court to pay a one-time fee
39 of \$25.00. The clerk of court, or if there is no clerk the person designated to collect fines,
40 fees, and forfeitures for such court, shall collect such fee and remit the same not later than
41 the last day of the month after such fee is collected to the Georgia Superior Court Clerks'
42 Cooperative Authority for deposit into the general fund of the state treasury.

43 (3) In addition to any fine, fee, or order of restitution imposed by the court, the
44 department may impose additional fees upon a defendant serving a felony sentence in a
45 day reporting center. These additional fees may include, but shall not be limited to,
46 administrative fees, program fees, and service fees for drug testing and other related
47 services."

48 **SECTION 2.**

49 This Act shall become effective on July 1, 2009, and shall apply to services rendered to
50 felons on or after such date.

51 **SECTION 3.**

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