

Senate Bill 112

By: Senator Smith of the 52nd

**AS PASSED SENATE**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 dispositions of fines and forfeitures, so as to revise provisions relating to additional criminal  
3 penalties for purposes of drug abuse treatment and education programs; to expand the list of  
4 offenses with respect to which such additional penalties shall be imposed; to provide that  
5 funds from such penalties may be used for drug court division purposes, as well as for the  
6 previously authorized purposes; to provide for related matters; to provide for an effective  
7 date and applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to dispositions of  
11 fines and forfeitures, is amended by revising Article 6 as follows:

12 "ARTICLE 6

13 15-21-100.

14 (a) In every case in which any court shall impose a fine, which shall be construed to  
15 include costs, for any offense prohibited by Code Section 16-13-30, 16-13-30.1,  
16 16-13-30.2, 16-13-30.3, 16-13-30.5, or 16-13-31, 16-13-31.1, 16-13-32, 16-13-32.1,  
17 16-13-32.2, 16-13-32.3, 16-13-32.4, 16-13-32.5, 16-13-32.6, or 16-13-33 which offenses  
18 relate to certain activities regarding marijuana, controlled substances, and noncontrolled  
19 substances, there shall be imposed as an additional penalty a sum equal to 50 percent of the  
20 original fine. The additional 50 percent penalty shall also be imposed in every case in  
21 which a fine is imposed for violation of:

22 (1) Code Section 3-3-23.1;

23 (2) Code Section 40-6-391; or

24 (3) Code Section 40-6-393 or 40-6-394 if the offender was also charged with a violation  
 25 of Code Section 40-6-391.

26 (b) The sums required by subsection (a) of this Code section shall be in addition to the  
 27 amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and  
 28 Benefit Fund or Code Section 47-11-51 concerning the Judges of the Probate Courts  
 29 Retirement Fund of Georgia.

30 15-21-101.

31 (a) The sums provided for in Code Section 15-21-100 shall be collected by the clerk or  
 32 court officer charged with the duty of collecting moneys arising from fines and forfeited  
 33 bonds and shall be paid over to the governing authority of the county in which the court is  
 34 located upon receipt of the fine and assessment if paid in full at the time of sentencing or  
 35 upon receipt of the final payment if the fine is paid in installments. Those sums paid over  
 36 to the governing authority shall be deposited thereby into a special account to be known  
 37 as the 'County Drug Abuse Treatment and Education Fund.'

38 (b) Moneys collected pursuant to this article and placed in the 'County Drug Abuse  
 39 Treatment and Education Fund' shall be expended by the governing authority of the county  
 40 for which the fund is established solely and exclusively:

41 (1) For drug abuse treatment and education programs relating to controlled substances  
 42 and marijuana; and

43 (2) If a drug court division has been established in the county under Code Section  
 44 15-1-15, for purposes of the drug court division.

45 This article shall not preclude the appropriation or expenditure of other funds by the  
 46 governing authority of any county or by the General Assembly for the purpose of drug  
 47 abuse treatment or education programs or drug court divisions."

## 48 **SECTION 2.**

49 This Act shall become effective on July 1, 2009. With respect to the additional offenses to  
 50 which additional penalties are applied under this Act, such additional penalties shall be  
 51 applied only to such offenses committed on or after July 1, 2009.

## 52 **SECTION 3.**

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