

Senate Bill 53

By: Senators Tate of the 38th, Hamrick of the 30th, Grant of the 25th, Crosby of the 13th, Jackson of the 24th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide for the establishment of college and university special districts; to provide
3 for a surcharge on fines and forfeitures from crimes within such districts for the purpose of
4 enhanced public safety services; to amend said Title 36 and Title 16 of the Official Code of
5 Georgia Annotated, the "Criminal Code of Georgia," so as to provide that a special district
6 shall be a drug-free commercial zone and to provide for the punishment of certain drug and
7 controlled substance offenses within such zone; to provide for heightened punishment of
8 certain aggravated assaults and aggravated batteries within a special district; to provide for
9 other related matters; to provide for effective dates and applicability; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
14 by adding a new Chapter 77 to read as follows:

15 style="text-align:center">"CHAPTER 77

16 36-77-1.

17 This chapter shall be known and may be cited as the 'College and University Special
18 District Act of 2011.'

19 36-77-2.

20 As used in this chapter, the terms 'college' and 'university' include each public or private
21 university, college, and junior college in the state.

22 36-77-3.

23 (a) Under the authority of Article IX, Section II, Paragraph VI(a) of the Constitution there
24 is created a college and university special district for the provision of local government
25 services at the location of each college and university.

26 (b) Each such special district shall include:

27 (1) All real property contained in the campus of the college or university or used on a
28 regular basis for college or university events; and

29 (2) All public rights of way directly adjacent to any property described in paragraph (1)
30 of this subsection.

31 36-77-4.

32 (a) Each municipal corporation in this state shall, not later than December 31, 2011,
33 prepare a map or plat showing the boundaries of each college and university special district
34 located within the boundaries of the municipal corporation and provide such map or plat
35 to the local governing authorities.

36 (b) Each county in this state shall, not later than December 31, 2011, prepare a map or plat
37 showing the boundaries of each college and university special district located within the
38 boundaries of the county but not within any municipal corporation and provide such map
39 or plat to the local governing authorities.

40 (c) Each consolidated government in this state shall, not later than December 31, 2011,
41 prepare a map or plat showing the boundaries of each college and university special district
42 located within the boundaries of the consolidated government and provide such map or plat
43 to the local governing authorities.

44 36-77-5.

45 (a) In every case in which any court in this state shall impose a fine, which shall be
46 construed to include costs, for any criminal or quasi-criminal offense against a criminal or
47 traffic law, including civil traffic violations and violations of local criminal ordinances, of
48 this state or political subdivision thereof and the offense is committed within a college and
49 university special district, there shall be imposed as an additional penalty a sum equal to
50 50 percent of the original fine. The additional amounts provided for in this subsection shall
51 be paid over as provided in Code Section 36-77-6. As used in this subsection, the term
52 'court' shall have the same meaning as set forth in Code Section 15-21A-3.

53 (b) Such sums shall be in addition to any other amounts provided for by law.

54 36-77-6.

55 (a) Notwithstanding the provisions of Chapter 21 or Chapter 21A of Title 15 or any other
56 law to the contrary, the clerks of the several courts shall pay one-half of the sums collected
57 pursuant to Code Section 36-77-5 as provided by law and shall pay the other one-half of
58 such proceeds into a separate special fund for each college and university special district.

59 (b) Where a college and university special district is located within a municipal
60 corporation, the special fund for that college and university special district shall be
61 maintained and disbursed by that municipal corporation. Where a college and university
62 special district is located within an unincorporated area, the special fund for that college
63 and university special district shall be maintained and disbursed by the county or
64 consolidated government within which the college and university special district is located.

65 (c) The proceeds of each special fund shall be used by the municipal corporation, county,
66 or consolidated government exclusively for the purpose of enhancing public safety services
67 for the special district. All or any part of the funds so expended may be expended pursuant
68 to a contract with a college or university under which the funds are used to support law
69 enforcement activities of the college's or university's police force or security services. Each
70 county, municipal, and consolidated government corporation shall file with the Department
71 of Community Affairs, in such form and manner as may be specified by the department,
72 an annual report detailing its compliance with this Code section. Such compliance shall
73 be assumed where all funds are expended through one or more contracts as described in
74 this subsection.

75 36-77-7.

76 (a) A special district shall by operation of law be constituted as a drug-free commercial
77 zone under Code Section 16-13-32.6, without any necessity for adoption of a local
78 ordinance or further action by the General Assembly. The status of a special district as a
79 drug-free commercial zone shall not be subject to any expiration.

80 (b) In a prosecution under this Code section, a true copy of a map produced or reproduced
81 by a municipal corporation, county, or consolidated government depicting the location and
82 boundaries of the special district shall, if certified as a true copy by the custodian of such
83 records in the municipal corporation, county, or consolidated government, be admissible
84 and shall constitute prima-facie evidence of the location and boundaries of such special
85 district.

86 36-77-8.

87 The offenses of aggravated assault with a firearm and aggravated battery within a special
 88 district shall be subject to heightened sentencing as provided in subsection (m) of Code
 89 Section 16-5-21 and subsection (i) of Code Section 16-5-24."

90 **SECTION 2.**

91 Title 16 of the Official Code of Georgia Annotated, the "Criminal Code of Georgia," is
 92 amended in Code Section 16-5-21, relating to aggravated assault, by adding a new subsection
 93 (m) to read as follows:

94 "(m) Any person who commits the offense of aggravated assault involving the use of a
 95 firearm within a college and university special district as defined in Code Section 36-77-3
 96 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more
 97 than 20 years."

98 **SECTION 3.**

99 Said Title 16 is further amended in Code Section 16-5-24, relating to aggravated battery, by
 100 adding a new subsection (i) to read as follows:

101 "(i) Any person who commits the offense of aggravated battery within a college and
 102 university special district as defined in Code Section 36-77-3 shall, upon conviction
 103 thereof, be punished by imprisonment for not less than five nor more than 20 years."

104 **SECTION 4.**

105 Said Title 16 is further amended in Code Section 16-13-32.6, relating to drug-free
 106 commercial zones, by adding a new subsection (g) to read as follows:

107 "(g) A college and university special district established under Chapter 77 of Title 36 shall
 108 also constitute a drug-free commercial zone as provided for in Code Section 36-77-7."

109 **SECTION 5.**

110 (a) This Act shall become effective upon its approval by the Governor or upon its becoming
 111 law without such approval for administrative purposes of determining and establishing
 112 special districts and taking administrative actions in preparation for implementation in
 113 calendar year 2012.

114 (b) The provisions of this Act relating to special criminal penalties within special districts
 115 shall become effective January 1, 2012, and shall apply with respect to offenses committed
 116 on or after that date.

117 (c) The provisions of this Act relating to allocation of fines and forfeitures shall apply with
 118 respect to fines and forfeitures collected on or after January 1, 2012.

119

SECTION 6.

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