

House Bill 41 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 131<sup>st</sup>, Willard of the 49<sup>th</sup>, Lindsey of the 54<sup>th</sup>, and Atwood of the 179<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 5 and Title 15 of the Official Code of Georgia Annotated, relating to appeal  
2 and error and courts, respectively, so as to exempt the Department of Law from the fee  
3 charged for the preparation of the record in capital felony cases; to reduce the fee charged  
4 for the preparation of an appellate record and transcript; to reduce the fee charged for the  
5 preparation of the record of appeal in a criminal case involving a capital felony; to exempt  
6 issuance of certificates of appointment of notaries public from the judicial operations fund  
7 fee; to provide for related matters; to provide for an effective date and applicability; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended  
12 by revising subsection (b) of Code Section 5-6-43, relating to preparation and transmittal or  
13 record on appeal by court clerks, as follows:

14 "(b) Where the accused in a criminal case was convicted of a capital felony, the clerk shall  
15 likewise furnish, at no cost, the Attorney General with an exact copy of the record on  
16 appeal, ~~for which the clerk shall receive a fee as required by paragraph (6) of subsection~~  
17 ~~(h) of Code Section 15-6-77, to be paid out of funds appropriated to the Department of~~  
18 ~~Law.~~"

19 SECTION 2.

20 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
21 paragraph (12) of subsection (g) and paragraph (6) of subsection (h) of Code Section  
22 15-6-77, relating to fees to be charged by superior court clerks, as follows:

23 "(12) Preparation of record and transcript to the Supreme Court and  
24 Court of Appeals, per page . . . . . ~~10.00~~ 1.00

25 Where a transcript of the evidence and proceedings is filed with the  
 26 clerk and does not require recopying, the clerk shall not receive the fee  
 27 herein prescribed with respect to such transcript but shall receive, for  
 28 filing and transmission of such transcript, a fee of . . . . . 35.00"

29 "(6) Preparation and furnishing copy of the record of appeal in criminal  
 30 cases where the accused was convicted of capital felony, except when  
 31 provided in accordance with subsection (b) of Code Section 5-6-43, per  
 32 page . . . . . ~~5.00~~ 1.00  
 33 Clerk's certificate . . . . . 1.00

34 The clerk shall not receive compensation for the transcript of evidence and  
 35 proceedings."

36 **SECTION 3.**

37 Said title is further amended by revising subsection (a) of Code Section 15-21A-6.1, relating  
 38 to the judicial operations fund fee for superior courts, as follows:

39 "(a) In addition to all other legal costs, there shall be charged to the filing party and  
 40 collected by the clerk an additional filing fee of \$125.00, to be known as a judicial  
 41 operations fund fee, in each civil action or case filed in a superior court except that the  
 42 state, including, but not limited to, its departments, agencies, boards, bureaus,  
 43 commissions, public corporations, and authorities, municipalities, counties, and political  
 44 subdivisions shall be exempt from such fee. Without limiting the generality of the  
 45 foregoing, such fee shall apply to all adoptions, certiorari, trade name registrations,  
 46 applications for change of name, and all other proceedings of a civil nature. Any matter  
 47 which is docketed upon the official dockets of the superior court and to which a number  
 48 is assigned shall be subject to such fee, whether such matter is contested or not; provided,  
 49 however, that the judicial operations fund fee shall not apply to the issuance of certificates  
 50 of appointment and reappointment of notaries public."

51 **SECTION 4.**

52 This Act shall become effective upon its approval by the Governor or upon its becoming law  
 53 without such approval, and Sections 1 and 2 of this Act shall apply retroactively to all cases  
 54 for which fees have not been assessed.

55 **SECTION 5.**

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