

House Bill 1298

By: Representatives Ashe of the 56<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Abrams of the 84<sup>th</sup>, Gardner of the 57<sup>th</sup>, Long of the 61<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for a new charter for the City of Atlanta, approved April 15,  
2 1996 (Ga. L. 1996, p. 4469), as amended, particularly by an Act approved May 17, 2004 (Ga.  
3 L. 2004, p.3840), so as to modify provisions relating to the municipal court; to provide for  
4 the imposition, collection, and expenditure of an additional penalty in the municipal court  
5 for municipal detention and prison facilities; to provide for related matters; to provide an  
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing for a new charter for the City of Atlanta, approved April 15, 1996 (Ga. L.  
10 1996, p. 4469), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004,  
11 p.3840), is amended in Section 4-117, as follows:

12 "SECTION 4-117.

13 Additional penalty for municipal detention and prison facilities.

14 (a)(1) In every case in which the municipal court shall impose a fine, which shall be  
15 construed to include costs, for any offense against a criminal or traffic law of this state  
16 or any ordinance of the City of Atlanta, there shall be imposed as an additional penalty  
17 a sum equal to 25 percent of the original fine. Such additional penalties shall be paid  
18 over as provided in subsection (c) of this section. The penalty provided in this paragraph  
19 shall be in addition to any penalty or additional penalty provided for in any other  
20 provision of this charter.

21 (2) At the time of posting bail or bond in any case involving a violation of a criminal or  
22 traffic law of this state or ordinance of the City of Atlanta, an additional sum equal to 25  
23 percent of the original amount of bail or bond shall be posted. In every case in which  
24 such court shall order the forfeiture of bail or bond, the additional sum equal to 25

25 percent of the original bail or bond shall be paid over as provided in subsection (c) of this  
26 section. The additional sums provided for in this paragraph shall be in addition to any  
27 other sums provided by law.

28 (b) Such sums required by subsection (a) of this section and Section 4-116 of this charter  
29 shall be in addition to that amount required by Code Section 47-17-60 of the O.C.G.A. to  
30 be paid into the Peace Officers' Annuity and Benefit Fund or by Code Section 47-11-51 of  
31 the O.C.G.A. to be paid into the Judges of the Probate Courts Retirement Fund of Georgia.

32 (c) The sums provided for in subsection (a) of this section shall be assessed and collected  
33 by the clerk or court officer charged with the duty of collecting moneys arising from fines  
34 and forfeited bonds and shall be paid over to the governing authority of the city by the tenth  
35 day of the month following the month in which such sums are collected. Such sums paid  
36 over to the governing authority shall be deposited by the governing authority into a special  
37 account to be known as the 'city jail fund.'"

38 **SECTION 2.**

39 This Act shall become effective upon its approval by the Governor or upon its becoming law  
40 without such approval.

41 **SECTION 3.**

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