

House Bill 411

By: Representative Welch of the 110th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated,
2 relating to deductions from inmate accounts for expenses, so as to provide for a detention
3 facility commissary fee and the disposition of such fees; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 4 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to
8 deductions from inmate accounts for expenses, is amended by adding a new Code section to
9 read as follows:

10 "42-4-72.

11 (a) Any inmate who purchases items from the commissary of the detention facility where
12 he or she is detained shall be required to pay an annual user fee of \$25.00 prior to making
13 any purchases from the commissary. The payment of such fee shall entitle the inmate to
14 the use of the commissary for the duration of his or her present incarceration for that year,
15 but the user fee shall be required to be paid again for each year of incarceration and any
16 future incarceration at the same detention facility. The officer in charge shall deduct
17 \$25.00 from such inmate's account and establish rules and regulations to institute the user
18 fee.

19 (b) The officer in charge shall retain \$5.00 of the user fee, to be deposited in the detention
20 facility's operating account to fund inmate services, and the balance of the fee shall be paid
21 to the governing authority for the detention facility.

22 (c) The governing authority receiving fees pursuant to this Code section shall establish a
23 separate fund to receive such fees and procedures to administer such fees in accordance
24 with this Code section. On an annual basis, the governing authority shall utilize such fees
25 to support any one or more of the following services provided in its jurisdiction: sexual
26 assault centers, rape crisis centers, or human trafficking shelters. If the governing authority

27 does not award all such fees to one or more qualified recipients in accordance with this
28 Code section, then the fees shall escheat to the state and shall be paid by the governing
29 authority into the general fund of the state treasury."

30

SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.