

House Bill 720

By: Representatives Lumsden of the 12th, Powell of the 32nd, Willard of the 51st, Tanner of the 9th, Hitchens of the 161st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 and Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia
2 Annotated, relating to courts and the uniform traffic citation and complaint form,
3 respectively, so as to provide for the collection of a fee to defray the costs associated with
4 using electronic citations; to provide for the Electronic Citation Fund; to provide for
5 procedure; to provide for a definition; to provide for related matters; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
10 Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures, surcharges,
11 additional fees, and cost in cases of partial payments into the court, as follows:

12 "15-6-95.

13 Notwithstanding any law to the contrary, a clerk of any superior court of this state who
14 receives partial payments, as ordered by the court, of criminal fines, forfeitures, or costs
15 shall distribute said sums in the order of priority set forth below:

16 (1) The amount provided for in Chapter 17 of Title 47 for the Peace Officers' Annuity
17 and Benefit Fund;

18 (2) The amount provided for in Chapter 14 of Title 47 for the Superior Court Clerks'
19 Retirement Fund of Georgia;

20 (3) The amount provided for in Chapter 16 of Title 47 for the Sheriffs' Retirement Fund
21 of Georgia;

22 (4) The amounts provided under subparagraphs (a)(1)(A) and (a)(2)(A) of Code Section
23 15-21-73;

24 (5) The amounts provided for under subparagraphs (a)(1)(B) and (a)(2)(B) of Code
25 Section 15-21-73;

26 (6) The amounts provided for in Code Section 15-21-93 for jail construction and staffing;

- 27 (7) The amount provided for in Code Section 15-21-131 for funding local victim
 28 assistance programs;
- 29 (8) The amount provided for in Code Section 36-15-9 for county law libraries;
- 30 (9) The balance of the base fine owed to the county;
- 31 (10) The amount provided for in cases of driving under the influence for purposes of the
 32 Georgia Crime Victims Emergency Fund under Code Section 15-21-112;
- 33 (11) The application fee provided for in subsection (c) or (e) of Code Section 15-21A-6;
- 34 (12) The amount provided for in cases of driving under the influence for purposes of the
 35 Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
- 36 (13) The amount provided for in Code Section 15-21-100 for the Drug Abuse Treatment
 37 and Education Fund; ~~and~~
- 38 (14) The amounts provided for in subsection (d) of Code Section 42-8-34; and
- 39 (15) The amount provided for in Code Section 15-21-200 for the Electronic Citation
 40 Fund."

41 **SECTION 2.**

42 Said title is further amended by adding a new article to Chapter 21, relating to the payment
 43 and disposition of fines and forfeitures, to read as follows:

44 "ARTICLE 11

45 15-21-200.

46 In every case in which any court shall impose a fine for any offense prohibited by Title 40,
 47 wherein the fine includes costs, there shall be imposed an additional \$5.00 fee, provided
 48 that the governing authority for such court has adopted a resolution agreeing to the
 49 imposition of such fee. Such fee shall be in addition to the amounts required by other
 50 provisions of this chapter, Chapters 14, 16, and 17 of Title 47, and Code Sections 36-15-9
 51 and 42-8-34.

52 15-21-201.

53 (a) As used in this Code section, the term 'clerk' means the clerk of court or court officer
 54 charged with the duty of collecting moneys arising from fines and forfeited bonds for a
 55 court that has agreed to collect the fee set forth in Code Section 15-21-200.

56 (b) The fee provided for in Code Section 15-21-200 shall be collected by the clerk upon
 57 receipt of the fine and assessment if paid in full at the time of sentencing or upon receipt
 58 of the final payment if the fine is paid in installments and shall be deposited into a special
 59 account to be known as the 'Electronic Citation Fund.'

60 (c) Moneys collected pursuant to this article and placed in the Electronic Citation Fund
 61 shall be expended as follows:

62 (1) The clerk shall retain 60 percent of the moneys collected for use in performing duties
 63 connected to operating the court system using electronic citations and administering the
 64 Electronic Citation Fund; and

65 (2) The clerk shall remit 40 percent of the moneys collected to the applicable arresting
 66 law enforcement agency.

67 (d) The clerk shall remit moneys to law enforcement agencies on a quarterly basis.

68 (e) The clerk shall prepare an annual report and accounting of all funds collected pursuant
 69 to this article and submit a copy of such report to the Georgia Superior Court Clerks'
 70 Cooperative Authority and to each of the governing authorities that authorized the
 71 imposition of the electronic citation fee.

72 15-21-202.

73 This article shall not preclude the appropriation or expenditure of other funds by any
 74 governing authority or by the General Assembly for the purpose of promoting the use of
 75 electronic citations."

76 **SECTION 3.**

77 Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to the
 78 uniform traffic citation and complaint form, is amended by revising Code Section 40-13-2,
 79 relating to the system of accountability and procedures for use and issuance of citations, as
 80 follows:

81 "40-13-2.

82 The Board of Public Safety, by rule and regulation, shall establish a system of
 83 accountability for all traffic citations and complaints, and it shall also provide the
 84 procedures governing the use and issuance of such citations and complaints in written or
 85 electronic formats."

86 **SECTION 4.**

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