

House Bill 1020

By: Representative Harbin of the 122<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to the  
2 payment of fines and forfeitures into the county treasury, so as to provide that the fines from  
3 arrests and citations by the uniformed division of the Department of Public Safety shall be  
4 paid into the state treasury; to provide for legislative intent; to provide that fines resulting  
5 from checkpoints which are part of a joint operation for license and safety checks shall be  
6 divided equally among the counties from which the law enforcement officers participating  
7 in the checkpoint are employed; to provide for related matters; to provide for an effective  
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to the payment of  
12 fines and forfeitures into the county treasury, is amended by revising subsection (a) as  
13 follows:

14 "(a)(1) Except as provided in paragraph (2) of this subsection, the ~~The~~ clerks of the  
15 several courts shall pay into the county treasury of the county where the court is held all  
16 moneys arising from fines and forfeitures collected by them and, upon failure to do so,  
17 shall be subject to rule and attachment as in the case of defaulting sheriffs.

18 (2) The provisions of paragraph (1) of this subsection shall not apply to the remainder  
19 of any fines, after costs, imposed for violation of any traffic offense provided in or  
20 authorized by Chapter 6 of Title 40 ~~on an urban interstate system~~ if the arrest or citation  
21 in such case was made or issued by a:

22 (A) A member of the Uniform Division of the Department of Public Safety's  
23 ~~motorcycle enforcement unit, in which case such remainder shall be remitted to the~~  
24 ~~Department of Public Safety and used for the maintenance and enhancement of the~~  
25 ~~department's motorcycle enforcement program~~ Safety; or

26 (B) A law enforcement officer from another jurisdiction outside of the county  
 27 participating in a checkpoint as a part of a joint operation for license and safety checks.

28 ~~(3) As used in this subsection, the term 'urban interstate system' means a portion of the~~  
 29 ~~national system of interstate and defense highways which:~~

30 ~~(A) Is located entirely within any part of this state; and~~

31 ~~(B) Includes a single numbered interstate highway which forms a closed loop or~~  
 32 ~~perimeter.~~

33 ~~Where these conditions exist, the urban interstate system shall consist of the interstate~~  
 34 ~~highway constituting the closed loop or perimeter and all interstate highways or portions~~  
 35 ~~thereof located within such loop or perimeter, not including any portion of any interstate~~  
 36 ~~highway outside of the loop or perimeter~~ In the case of arrests or citations issued under  
 37 subparagraph (A) of paragraph (2) of this subsection, the remainder of the fines, after  
 38 costs, shall be sent to the Office of the State Treasurer for deposit in the state treasury.

39 As soon as practicable after the end of each fiscal year, the Office of the State Treasurer  
 40 shall report the amount of funds received pursuant to this paragraph to the Office of  
 41 Planning and Budget and the Department of Public Safety. It is the intent of the General  
 42 Assembly that, subject to appropriation, an amount equal to such proceeds received from  
 43 such fines in any fiscal year shall be made available during the following fiscal year to  
 44 the Department of Public Safety in addition to its other appropriated funds.

45 (4) In the case of arrests or citations issued under subparagraph (B) of paragraph (2) of  
 46 this subsection, the remainder of fines, after costs, shall be divided equally among all of  
 47 the counties from which law enforcement participated in the joint operation and shall be  
 48 paid into the county treasuries of the respective participating counties."

49 **SECTION 2.**

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

52 **SECTION 3.**

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