

Senate Bill 73

By: Senators Harper of the 7th, Albers of the 56th, Gooch of the 51st, Mullis of the 53rd, Robertson of the 29th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 15-18-80 and Article 4 of Chapter 17 of Title 47 of the Official
2 Code of Georgia Annotated, relating to policy and procedure relative to pretrial intervention
3 and diversion programs and revenues collected from fines and fees relative to the Peace
4 Officers' Annuity and Benefit Fund, respectively, so as to provide that payments to the Peace
5 Officers' Annuity and Benefit Fund from fees collected in criminal and quasi-criminal cases
6 prior to adjudication of guilt shall be deducted and remitted by the clerk of court directly to
7 the secretary-treasurer of such fund; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

SECTION 1.

10 Code Section 15-18-80 of the Official Code of Georgia Annotated, relating to policy and
11 procedure relative to pretrial intervention and diversion programs, is amended by revising
12 subsection (f) as follows:
13

14 "(f) The prosecuting attorney shall be authorized to assess from each offender who enters
15 the program a fee not to exceed \$1,000.00 for the administration of the program. Such fee
16 may be waived in part or in whole or made payable in monthly increments upon a showing
17 of good cause to the prosecuting attorney. Any fee collected under this subsection shall be
18 collected by the clerk of court and made payable to the general fund of the political
19 subdivision in which the case is being prosecuted; provided, however, that the clerk of
20 court shall deduct amounts due pursuant to subsection (a.1) of Code Section 47-17-60 and
21 shall remit such amounts to the secretary-treasurer of the Peace Officers' Annuity and
22 Benefit Fund in accordance with said Code section. For purposes of subsection (a.1) of
23 Code Section 47-17-60, the clerk of court shall provide the political subdivision all relevant
24 records and completed forms for compliance with such Code section."

25

SECTION 2.

26 Article 4 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to
 27 revenues collected from fines and fees relative to the Peace Officers' Annuity and Benefit
 28 Fund, is amended by revising Code Section 47-17-60, relating to payments to the fund from
 29 fines and bonds collected in criminal and quasi-criminal cases, duty of collecting authority
 30 to record and remit sums collected, and penalty, as follows:

31 "47-17-60.

32 (a) A portion of each fine collected and each bond forfeited and collected in any criminal
 33 or quasi-criminal case for violation of state statutes, county ordinances, or municipal
 34 ordinances, which case is before any court or tribunal in this state, shall be paid to the
 35 secretary-treasurer according to the following schedule:

36 (1) Three dollars for any fine or bond forfeiture of more than \$4.00, but not more
 37 than \$25.00;

38 (2) Four dollars for any fine or bond forfeiture of more than \$25.00, but not more
 39 than \$50.00;

40 (3) Five dollars for any fine or bond forfeiture of more than \$50.00, but not more
 41 than \$100.00; or

42 (4) Five percent of any fine or bond forfeiture of more than \$100.00.

43 For purposes of determining amounts to be paid to the secretary-treasurer, the amount of
 44 the fine or bond collected shall be deemed to include costs. The amounts provided for shall
 45 be paid to the secretary-treasurer before the payment of any costs or any claim whatsoever
 46 against such fine or forfeiture. The collecting authority shall pay such amounts to the
 47 secretary-treasurer on the first day of the month following that in which they were collected
 48 or at such other time as the board may provide. With such payment there shall be filed an
 49 acceptable form which shows the number of cases in each of the above categories and the
 50 amounts due in each category. It shall be the duty of the collecting authority to keep
 51 accurate records of the amounts due the board so that the records may be audited or
 52 inspected at any time by any representative of the board under its direction. Sums remitted
 53 to the secretary-treasurer under this Code section shall be used as provided for elsewhere
 54 in this chapter.

55 (a.1) Five dollars of each fee collected prior to adjudication of guilt for purposes of pretrial
 56 diversion pertaining to any criminal or quasi-criminal case for violation of state statutes,
 57 county ordinances, or municipal ordinances as provided for in subsection (f) of Code
 58 Section 15-18-80, which case is before any court or tribunal in this state, shall be paid to
 59 the secretary-treasurer. The ~~political subdivision~~ clerk of court as provided for in
 60 subsection (f) of Code Section 15-18-80 shall pay such amounts to the secretary-treasurer
 61 on the first day of the month following that in which they were collected or at such other

62 time as the board may provide. With such payment there shall be filed an acceptable form
63 from the clerk of court which shows the number of cases in each of the above categories
64 and the amounts due in each category. It shall be the duty of the clerk of court to keep
65 accurate records of the amounts due the board so that the records may be audited or
66 inspected at any time by any representative of the board under its direction. Sums remitted
67 to the secretary-treasurer under this Code section shall be used as provided for elsewhere
68 in this chapter.

69 (b) If the collecting authority fails to remit such amounts with an acceptable form properly
70 filled out within 60 days of the date on which such remittal is due, the same shall be
71 delinquent, and there shall be imposed, in addition to the principal amount due, a specific
72 penalty in the amount of 5 percent of the principal amount per month for each month
73 during which the funds continue to be delinquent, provided that such penalty shall not
74 exceed 25 percent of the principal due. In addition to such penalty, interest shall be
75 charged on delinquent amounts at the rate of 6 percent per annum from the date the funds
76 become delinquent until they are paid. ~~All funds due on or before April 1, 1966, and not~~
77 ~~paid shall be delinquent after the expiration of 60 days from that date.~~ By affirmative vote
78 of all members, the board, upon the payment of the delinquent funds together with interest
79 and for good cause shown, may waive the specific penalty otherwise charged under this
80 subsection."

81

SECTION 3.

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