

House Bill 1337

By: Representatives Silcox of the 53rd, Jones of the 47th, Martin of the 49th, Gunter of the 8th,
and Scoggins of the 14th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 provide for the retention and expenditure of passport application and processing fees by
3 clerks of superior courts and probate court judges; to provide for retention of certain fees as
4 personal compensation; to provide for disclosures in written reports; to provide for use of
5 certain fees; to provide for limitations; to authorize the adoption of local acts; to provide for
6 related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
11 Section 15-6-77, relating to fees and construction of other fee provisions, by revising
12 subsection (c) as follows:

13 "(c)(1) Any fees received as provided for in this Code section shall be paid into the
14 county treasury less and except such sums as are otherwise directed to be paid by the
15 clerk to another entity according to some other general law expressly providing for same,
16 including, but not limited to, any sums pursuant to Code Section 15-6-61 and such sums

17 as are collected pursuant to Code Section 15-6-77.4, 15-6-98, 36-15-9, 45-17-4, or
18 47-14-51, which sums shall be remitted to such authorities as provided by law.

19 (2) Except as otherwise provided in paragraph (3) of this subsection, fees, sums, or other
20 remuneration for the performance of duties provided for under the laws of the United
21 States or regulations promulgated pursuant to such laws shall be as provided in such laws
22 or regulations as personal compensation to the clerk of the superior court for the
23 performance of such duties.

24 (3)(A) Fees, sums, or other remuneration for the performance of passport duties
25 provided for under the laws of the United States or regulations promulgated pursuant
26 to such laws, including, but not limited to, passport application or processing fees, shall
27 be subject to the requirements and limitations of this paragraph except as otherwise
28 provided in such laws or regulations.

29 (B) Where permissible by law, the clerk of the superior court shall be authorized to
30 retain certain fees derived from the performance of passport duties as personal
31 compensation; provided, however, that the amount of personal compensation received
32 from such fees, when combined with the annual salary received by such clerk from the
33 county governing authority shall not exceed 95 percent of the annual salary received
34 by a superior court judge as provided for in Code Section 15-6-29.

35 ~~(B)(C)~~ The clerk of the superior court shall disclose in a written report to the county
36 governing authority on a quarterly basis the total amount of all passport application or
37 processing fees, sums, or other remuneration received by ~~the~~ such clerk during the
38 previous quarter. Such disclosure shall specifically and clearly note whether any such
39 fees, sums, or other remuneration retained by the clerk as personal compensation, in
40 which case, such disclosure shall also be sent to the finance department of the county.

41 (D) Any fees, sums, or other remuneration collected for the performance of passport
42 duties, other than those provided for in subparagraph (B) of this paragraph, shall be
43 paid by the clerk of the superior court into the general fund of the county or retained by

44 such clerk for purposes of maintaining and operating the office of the, provided that
45 such funds are not used to:

46 (i) Compensate or supplement the compensation of the clerk or any employee of the
47 clerk's office; or

48 (ii) Purchase nonwork related items or gifts for the clerk or any employee of the
49 clerk's office.

50 (E) The General Assembly may by local Act amend the allowable percentage of funds
51 to be retained by the clerk of the superior court of the county pursuant to
52 subparagraph (B) of this paragraph.

53 (F) The clerk of the superior court shall be prohibited from charging any additional
54 passport application or processing fees other than fees specifically provided for under
55 the laws of the United States or regulations promulgated pursuant to such laws."

56 **SECTION 2.**

57 Said title is further amended in Code Section 15-9-60, relating to fees of probate courts, by
58 revising subsection (c.1) as follows:

59 "(c.1)(1) Fees, sums, or other remuneration for the performance of passport duties
60 provided for under the laws of the United States or regulations promulgated pursuant to
61 such laws, including, but not limited to, passport application or processing fees, shall be
62 subject to the requirements and limitations of this subsection to the extent not otherwise
63 required in such laws or regulations.

64 (2) Where permissible by law, the judge of the probate court shall be authorized to retain
65 certain fees derived from the performance of passport duties as personal compensation;
66 provided, however, that the amount of personal compensation received from such fees,
67 when combined with the annual salary received by such judge from the county governing
68 authority shall not exceed 95 percent of the annual salary received by a superior court
69 judge as provided for in Code Section 15-6-29.

70 ~~(2)~~(3) The judge of the probate court shall disclose in a written report to the county
 71 governing authority on a quarterly basis the total amount of all passport application or
 72 processing fees, sums, or other remuneration received by the such judge during the
 73 previous quarter. Such disclosure shall specifically and clearly note whether any such
 74 fees, sums, or other remuneration retained by the judge as personal compensation, in
 75 which case, such disclosure shall also be sent to the finance department of the county.
 76 (4) Any fees, sums, or other remuneration collected for the performance of passport
 77 duties, other than those provided for in paragraph (2) of this subsection, shall be paid by
 78 the judge of the probate court into the general fund of the county or retained by such
 79 judge for purposes of maintaining and operating the office of the judge, provided that
 80 such funds are not used to:
 81 (A) Compensate or supplement the compensation of the judge of the probate court or
 82 any employee of the probate court office; or
 83 (B) Purchase nonwork related items or gifts for the judge of the probate court or any
 84 employee of the probate court office.
 85 (5) The General Assembly may by local Act amend the allowable percentage of funds
 86 to be retained by the judge of the probate court pursuant to paragraph (2) of this
 87 subsection.
 88 (6) The judge of the probate court shall be prohibited from charging any additional
 89 passport application or processing fees other than fees specifically provided for under the
 90 laws of the United States or regulations promulgated pursuant to such laws."

91 **SECTION 3.**

92 This Act shall become effective on January 1, 2027.

93 **SECTION 4.**

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