Senate Bill 94

By: Senators Stokes of the 43rd, Hecht of the 34th and Kemp of the 3rd

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide that no fee shall be assessed in connection with a prosecution of a stalking offense or certain sex offenses for costs associated with the filing of criminal charges by an alleged victim of any such offenses or for the issuance or service of a warrant, protective order, or witness subpoena arising from the incident of any such offense; to provide that no fee or cost shall be assessed for any service rendered by the clerk of superior court in connection with the filing, issuance, registration, or service of a protection order or a petition for a prosecution order to protect a victim of domestic violence, stalking, or sexual assault; to provide that no fee shall be assessed in magistrate court for costs associated with the filing of criminal charges against a person accused of stalking or committing a certain sex offense or for issuance or service of a warrant, protective order, or witness subpoena arising from the incident that is the subject of the arrest or criminal prosecution; to provide that no sheriff´s fee shall be assessed against the alleged victim of stalking or certain sex offenses for costs associated with the issuance or service of a warrant, protective order, or witness subpoena arising from the filing of criminal charges applicable to stalking or certain sex offense; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking in its entirety paragraph (4) of subsection (e) of Code Section 15-6-77, relating to fees of clerks of superior courts, and inserting in lieu thereof a new paragraph (4) to read as follows:

"(4) No fee or cost shall be assessed for any service rendered by the clerk of superior court through entry of judgment in family violence cases under Chapter 13 of Title 19 or in connection with the filing, issuance, registration, or service of a protection order or a petition for a prosecution order to protect a victim of domestic violence, stalking, or sexual assault. The provisions of this paragraph shall control over any other conflicting

provisions of law and shall specifically control over the provisions of Code Sections 15-6-77.1, 15-6-77.2, and 15-6-77.3."

SECTION 2.

Said title is further amended by striking in its entirety paragraph (3) of subsection (i) of Code Section 15-6-77, relating to fees of clerks of superior courts, and inserting in lieu thereof a new paragraph (3) to read as follows:

"(3) Costs associated with the filing of criminal charges by an alleged victim of a violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or an alleged victim of any domestic violence offense or for the issuance or service of a warrant, protective order, or witness subpoena arising from the violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or the incident of domestic violence."

SECTION 3.

Said title is further amended by striking in its entirety subsection (h) of Code Section 15-16-21, relating to fees for sheriff´s services, and inserting in lieu thereof a new subsection (h) to read as follows:

"(h) No fee shall be assessed against the alleged victim of a violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or against the alleged victim of any domestic violence offense for costs associated with the filing of criminal charges against the stalking offender, sexual offender, or domestic violence offender or for the issuance or service of a warrant, protective order, or witness subpoena arising from the incident of stalking, sexual assault, or domestic violence."

SECTION 4.

Said title is further amended by striking in its entirety Code Section 15-10-82, relating to hearing fee on application for search or arrest warrant or deposit account fraud citation, and inserting in lieu thereof a new Code Section 15-10-82 to read as follows:

"15-10-82.

For hearing an application for an arrest or search warrant or deposit account fraud citation, the fee charged shall not exceed $10.00, but this fee may be waived by the issuing magistrate if he or she finds that because of the financial circumstances of the party applying for the warrant or citation or for other reasons this fee should not be charged in justice, provided that no fee shall be assessed against the alleged victim of a violation of Code Section 16-5-90, 16-5-91, 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-22.1, or 16-6-22.2 or against the alleged victim of any domestic violence offense for costs

associated with the filing of criminal charges against the stalking offender, sexual offender, or domestic violence offender or for the issuance or service of a warrant, protective order, or witness subpoena arising from the incident of stalking, sexual assault, or domestic violence."

SECTION 5.

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