

The House Committee on Judiciary Non-civil offers the following substitute to HB 720:

A BILL TO BE ENTITLED
AN ACT

To amend Title 15 and Article 1 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to courts and the uniform traffic citation and complaint form, respectively, so as to provide for the collection of a fee to defray the costs associated with using electronic citations; to provide for definitions; to provide for the Electronic Citation Fund; to provide for procedures; to provide for a cause of action under certain circumstances; to provide for automatic repeal; to provide for related matters; 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 revising Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures, surcharges, additional fees, and cost in cases of partial payments into the court, as follows:

"15-6-95.

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

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

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

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

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

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

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(6) The amounts provided for in Code Section 15-21-93 for jail construction and staffing;
(7) The amount provided for in Code Section 15-21-131 for funding local victim assistance programs;
(8) The amount provided for in Code Section 36-15-9 for county law libraries;
(9) The balance of the base fine owed to the county;
(10) The amount provided for in cases of driving under the influence for purposes of the Georgia Crime Victims Emergency Fund under Code Section 15-21-112;
(11) The application fee provided for in subsection (c) or (e) of Code Section 15-21A-6;
(12) The amount provided for in cases of driving under the influence for purposes of the Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
(13) The amount provided for in Code Section 15-21-100 for the Drug Abuse Treatment and Education Fund; ~~and~~
(14) The amounts provided for in subsection (d) of Code Section 42-8-34; and
(15) The amount provided for in Code Section 15-21-200 for the Electronic Citation Fund."

SECTION 2.

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

"ARTICLE 11

15-21-200.

As used in this article, the term:

(1) 'Clerk' means the clerk of court or court officer charged with the duty of receiving moneys arising from fines and forfeited bonds for a court.

(2) 'Governing authority' means the body that governs the county, consolidated government, or municipality, as applicable.

15-21-201.

In every case in which any court shall impose a fine for any offense prohibited by Title 40, wherein the fine includes costs, there shall be imposed an additional fee not to exceed \$5.00 for an electronic citation system, provided that the governing authority for such court has adopted a resolution agreeing to the imposition of such fee. A governing authority's resolution shall expire at the end of the fiscal year in which such resolution was adopted. The fee imposed pursuant to such resolution and this Code section shall be in addition to

the amounts required by other provisions of this chapter, Chapters 14, 16, and 17 of Title 47, and Code Sections 36-15-9 and 42-8-34.

15-21-202.

(a) The fee provided for in Code Section 15-21-201 shall be collected by the clerk, paid over to the governing authority for the court that was authorized to impose such fee, and deposited into a special account to be known as the 'Electronic Citation Fund.' Such fee shall be collected at the time of sentencing if the fine is paid in full or upon receipt of the final payment if the fine is paid in installments.

(b) Moneys collected pursuant to this article and placed in the Electronic Citation Fund shall be expended by the governing authority solely and exclusively for the implementation, operation, and maintenance of the electronic citation system, including the usage of such system by law enforcement agencies, clerks, judges, prosecuting attorneys, public defenders, attorneys providing indigent defense services, probation officers, other court officers, and the public.

(c) The clerk shall remit moneys to the applicable governing authority on a monthly basis but not later than the thirtieth day following the last day of the month in which such funds were collected.

(d) The clerk shall prepare a monthly report and accounting of all funds collected pursuant to this article and submit a copy of such report to the Georgia Superior Court Clerks' Cooperative Authority and to each of the governing authorities that authorized the imposition of the electronic citation fee. The Georgia Superior Court Clerks' Cooperative Authority shall promulgate reporting forms that shall be used by the clerk.

15-21-203.

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

15-21-204.

Any eligible voter who resides within a jurisdiction that imposes a fee pursuant to this article shall have standing to file an action in the superior court to seek appropriate injunctive relief in order to ensure such fee is being levied or funds collected from such fee are being used as required by this article.

15-21-205.

This article shall stand repealed in its entirety on June 30, 2019."

SECTION 3.

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

"40-13-2.

The Board of ~~Public Safety~~ Driver Services, by rule and regulation, shall establish a system of accountability for all traffic citations and complaints, and it shall also provide the procedures governing the use and issuance of such citations and complaints by law enforcement agencies. Such citations and complaints may be in written or electronic format, provided that a citation and complaint in an electronic format shall comply with Chapter 12 of Title 10."

SECTION 4.

Section 1 of this Act shall be repealed in its entirety on June 30, 2019.

SECTION 5.

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