

House Bill 767

By: Representative Yearta of the 152nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to authorize the Magistrate Court of Lee County to charge a law library fee,
2 approved April 2, 1998 (Ga. L. 1998, p. 4135), as amended, so as to revise permitted uses
3 of funds raised from such fee; to establish a Magistrate Court Law Library Fund Committee;
4 to provide for members, terms, appointments, and duties of such committee; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to authorize the Magistrate Court of Lee County to charge a law library fee, approved
9 April 2, 1998 (Ga. L. 1998, p. 4135), as amended, is amended by revising Section 1 to read
10 as follows:

11 "SECTION 1.

12 (a) The Magistrate Court of Lee County shall be authorized to charge a sum not to
13 exceed \$5.00, in addition to all other legal costs, in each action or case, either civil or
14 criminal, including, without limiting the generality of the foregoing, all hearings on
15 applications for and the issuance of arrest and search warrants, issuance of warrants, and

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related proceedings as provided for in Article 4 of Chapter 6 of Title 17 of the O.C.G.A., relating to bonds for good behavior and bonds to keep the peace; the holding of courts of inquiry; trials of charges of violations of county ordinances and penal ordinances of state authorities; trials of civil claims, including garnishment and attachment; the issuance of summonses, trials of issues, and issuance of writs and judgments in dispossessory proceedings and distress warrant proceedings as provided for in Articles 3 and 4 of Chapter 7 of Title 44 of the O.C.G.A.; punishment for contempt; all other proceedings of a civil or criminal nature; and for such other matters as are committed to their jurisdiction by other general law.

(b) The funds collected by the Magistrate Court of Lee County pursuant to subsection (a) of this section shall be paid into the general county treasury of Lee County and shall be used for the lawful purposes of maintaining the Lee County Law Library, which shall include:

- (1) The purchase of books, reports, texts, periodicals, supplies, desks, legal research applications and software;
- (2) The purchase of computers and related equipment and software to be used in the Law Library for the purpose of legal research and the operation of the Law Library;
- (3) The purchase of equipment for the maintenance, upkeep, and operation of the Law Library; and
- (4) Funding for the services of a librarian.

Such funds shall not be comingled with the funds held by the board of trustees of the Lee County Law Library Fund. Such funds shall be used in conjunction with the funds expended by the board of trustees of the Lee County Law Library Fund based upon consultation between the Lee County Board of Commissioners and the board of trustees of the Lee County Law Library Fund. In the event that the board of commissioners determines, in a manner consistent with subsection (c) of this section, that it has excess funds on hand from such collections, then such excess funds may be used by the board of

commissioners for purchase of computers, software, and related equipment for the magistrate court and for the purchase of fixtures or furnishings for the offices of the magistrate court or courthouse in general.

(c)(1) There shall be established a Magistrate Court Law Library Fund Committee which shall consist of three members. The members of the committee shall be:

(A) The chief judge of the magistrate court;

(B) A member of the Lee County Board of Commissioners; and

(C) An attorney who is a member of the State Bar of Georgia who regularly practices law, in private practice, in Lee County.

The committee members provided for in subparagraphs (B) and (C) of this paragraph shall be appointed by the Lee County Board of Commissioners, to terms of office of two years. Such members shall be eligible to succeed themselves. The chief judge's term on the committee shall be concurrent with his or her term as chief judge.

(2) The chief judge of the magistrate court shall serve as the chairperson of the committee, and shall be authorized to vote on all matters before the committee.

(3) The committee shall meet periodically upon the call of the chairperson. All decisions of the committee shall be made by majority vote of the members. The committee shall review any and all request for funds from the Magistrate Court Law Library Fund. If the committee approves such request, the committee shall recommend in writing that such request be approved by the Lee County Board of Commissioners so that such request may be paid from the fund. Any determination by the Lee County Board of Commissioners that there are excess funds in the Magistrate Court Law Library Fund that may be expended in accordance with subsection (b) of this section shall be based upon a recommendation of the committee that such excess funds are available prior to the board of commissioner making such determination."

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SECTION 2.

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