

House Bill 1412

By: Representatives McDonald III of the 26th, Efstation of the 104th, Hitchens of the 161st,
Burchett of the 176th, Hatchett of the 155th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 21 of Title 15 and Article 2 of Chapter 13 of Title 40 of the
2 Official Code of Georgia Annotated, relating to general provisions relative to payment and
3 disposition of fines and forfeitures and arrests, trials, and appeals relative to prosecution of
4 traffic offenses, respectively, so as to provide for payment of certain money arising from
5 traffic fines generated by members of the Uniform Division of the Department of Public
6 Safety to the general fund of the state treasury; to provide for reporting requirements; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to
11 general provisions relative to payment and disposition of fines and forfeitures, is amended
12 by revising Code Section 15-21-2, relating to payment into county treasury of fines and bond
13 forfeitures, as follows:

14 "15-21-2.

15 (a)(1) The clerks of the several courts shall pay into the county treasury of the county
16 where the court is held all moneys arising from fines and bond forfeitures collected by

17 them and, upon failure to do so, shall be subject to rule and attachment as in the case of
18 defaulting sheriffs.

19 (2) The provisions of paragraph (1) of this subsection shall not apply to:

20 (A) The remainder of any fines, after costs, imposed for violation of any traffic
21 offense provided in or authorized by Chapter 6 of Title 40 on an urban interstate system
22 if the arrest or citation in such case was made or issued by a member of the Uniform
23 Division of the Department of Public Safety's motorcycle enforcement unit, in which
24 case such remainder shall be remitted to the Department of Public Safety and used for
25 the maintenance and enhancement of the department's motorcycle enforcement
26 program; and

27 (B) Except as otherwise specifically provided in subparagraph (A) of this paragraph,
28 70 percent of the remainder of any fines, after costs, imposed for violation of any traffic
29 offense provided in or authorized by Chapter 6 of Title 40 if the arrest or citation in
30 such case was made or issued by a member of the Uniform Division of the Department
31 of Public Safety, in which case such percentage shall be remitted to the general fund of
32 the state treasury.

33 (3) As used in this subsection, the term 'urban interstate system' means a portion of the
34 national system of interstate and defense highways which:

35 (A) Is located entirely within any part of this state; and

36 (B) Includes a single numbered interstate highway which forms a closed loop or
37 perimeter.

38 Where these conditions exist, the urban interstate system shall consist of the interstate
39 highway constituting the closed loop or perimeter and all interstate highways or portions
40 thereof located within such loop or perimeter, not including any portion of any interstate
41 highway outside of the loop or perimeter.

42 (4) The clerk of the court shall report the annual county revenue generated by fines for
43 arrests and citations imposed by members of the Uniform Division of the Department of

44 Public Safety under subparagraph (B) of paragraph (2) of this subsection to the
45 commissioner of public safety, the state revenue commissioner, and the county
46 commissioner or county board of commissioners for the county that is the subject of the
47 report. Such report shall be made no later than January 31 for the preceding calendar
48 year.

49 (b) No officer shall be required to pay any money into the treasury until all the legal claims
50 on the funds held and owned by the officer bringing the money into court in the particular
51 case by which the funds for distribution were brought into court have been allowed and
52 paid."

53 **SECTION 2.**

54 Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to
55 arrests, trials, and appeals relative to prosecution of traffic offenses, is amended by revising
56 Code Section 40-13-26, relating to how sentences for traffic offenses served, disposition of
57 fines and costs, and definition of "urban interstate system" as follows:

58 "40-13-26.

59 (a) Defendants who plead guilty or who are convicted under this article shall be required
60 to serve their sentences in such manner as is provided for by law in misdemeanor cases.
61 In case a fine is imposed and paid, the officers of court, where on fee basis, shall first be
62 paid their costs arising in such case. After the payment of all costs, the remainder of such
63 fine shall be paid into the county treasury in the event the case is disposed of by the probate
64 court; if the case is disposed of by the municipal court of an incorporated municipality, the
65 remainder of such fine or fines shall be paid into the treasury of the municipality where the
66 court is located, except that where such courts have jurisdiction beyond the corporate limits
67 of a municipality, and the offense occurs outside the municipality, the fine shall be paid
68 into the county treasury; provided, however, that in any case where a fine was imposed for
69 violation of any traffic offense provided in or authorized by Chapter 6 of this title;

70 ~~(1) On~~ on any ~~'urban interstate system'~~ urban interstate system, if the arrest or citation in
 71 such case was made or issued by a member of the Uniform Division of the Department
 72 of Public Safety's motorcycle enforcement unit, the remainder of such fine shall be
 73 remitted to the Department of Public Safety for the maintenance and enhancement of the
 74 ~~Department's~~ department's motorcycle program; and

75 (2) Except as otherwise specifically provided in paragraph (1) of this subsection, if the
 76 arrest or citation was made or issued by a member of the Uniform Division of the
 77 Department of Public Safety, 70 percent of the remainder of such fine shall be remitted
 78 to the general fund of the state treasury.

79 ~~(b)(1)~~ The judge of the probate court or the person presiding over the municipal court
 80 ~~must shall~~ pay into the county treasury, municipal treasury, state treasury, or Department
 81 of Public Safety by the fifteenth day of each month the remainder of all fines for the
 82 preceding month. Such payment ~~must shall~~ be accompanied by a list showing the name
 83 of the defendant in each case, the fine imposed in each case, the costs in each case and
 84 to whom paid, and the balance which is being paid into the treasury. The official making
 85 such payment ~~must shall~~ be given a written receipt by the person receiving the payment.
 86 No officer receiving a salary will receive any fees for arresting or attending court in any
 87 case arising under this article, but the usual fees ~~must shall~~ be assessed, and, if the
 88 arresting officer is not entitled to the costs, ~~they must~~ such funds shall go to the county
 89 or city to which the fine is paid, to the state treasury, or the ~~or~~ Department of Public
 90 Safety as required by this Code section.

91 (2) The judge of the probate court or other person presiding over the municipal court
 92 shall report the annual municipal revenue generated by fines for arrests and citations
 93 imposed by members of the Uniform Division of the Department of Public Safety under
 94 paragraph (2) of subsection (a) of this Code section to the commissioner of public safety,
 95 the state revenue commissioner, and the mayor or commission for the municipality that

96 is the subject of the report. Such report shall be made no later than January 31 for the
97 preceding calendar year.

98 ~~(b)~~(c) As used in this Code section, the term 'urban interstate system' means a portion of
99 the national system of interstate and defense highways which:

100 (1) Is located entirely within any part of this state; and

101 (2) Includes a single numbered interstate highway which forms a closed loop or
102 perimeter.

103 Where these conditions exist, the urban interstate system shall consist of the interstate
104 highway constituting the closed loop or perimeter and all interstate highways or portions
105 thereof located within such loop or perimeter, not including any portion of any interstate
106 highway outside of the loop or perimeter."

107 **SECTION 3.**

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