

House Bill 1478

By: Representatives Santos of the 117th, Holly of the 116th, Douglas of the 78th, and Kahaian of the 81st

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 a technology fee to be collected under certain circumstances; to provide for a
3 short title; to provide for a purpose for such fees; to provide for imposition of additional civil
4 filing fees and criminal penalties; to provide for adoption of county resolutions; to provide
5 for a technology fund; to provide for technology plans; to provide for expenditure of funds
6 collected; to preempt local Acts providing for technology fees; to provide for an effective
7 date and applicability; to provide for related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
12 Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures, surcharges,
13 additional fees, and cost in cases of partial payments into the court, as follows:

14 "15-6-95.

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

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

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

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

24 (4) The amount provided for in cases of driving under the influence for purposes of the
25 Brain and Spinal Injury Trust Fund under Code Section 15-21-149 and the amount
26 provided for in cases of reckless driving for purposes of the Brain and Spinal Injury Trust
27 Fund under Code Section 15-21-151;

28 (5) The balance of the base fine owed to the county;

29 (6) The amounts provided for in Code Section 15-21-93 for jail construction and staffing;

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

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

34 (9) The amount provided for in Code Section 15-21-131 for funding local victim
35 assistance programs;

36 (10) The amount provided for in Code Section 36-15-9 for county law libraries;

37 (11) The amount provided for in cases of driving under the influence for purposes of the
38 Georgia Crime Victims Emergency Fund under Code Section 15-21-112;

39 (12) The amount provided for in Code Section 15-21-100 for the Drug Abuse Treatment
40 and Education Fund;

- 41 (13) The amount provided for in Code Section 15-21-208 for the Safe Harbor for
42 Sexually Exploited Children Fund;
- 43 (14) The amounts provided for in subsection (d) of Code Section 42-8-34; and
- 44 (15) The application fee provided for in subsection (c) or (e) of Code Section 15-21A-6;
45 and
- 46 (16) The amounts provided for in Code Section 15-21-224 for technology funding."

47 **SECTION 2.**

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

50 "ARTICLE 12

51 15-21-220.

52 This article shall be known and may be cited as the 'Court Technology Funding Act.'

53 15-21-221.

54 (a) As used in this article, the term 'governing authority' means the body that governs the
55 county, consolidated government, or municipality, as applicable.

56 (b) This article is enacted in order to authorize the collection of additional civil filing fees
57 and additional penalty assessments in criminal and traffic cases and cases involving
58 violations of ordinances of political subdivisions so as to provide that the proceeds derived
59 therefrom may be used for court related technology needs, in all levels of courts in this
60 state, for the use of the courts by the public, judges, prosecuting attorneys, public
61 defenders, attorneys providing indigent defense services, probation officers, law
62 enforcement officers, and clerks and other court officers.

63 15-21-222.
64 (a) The chief judge of any court may initiate the development of a court technology plan.
65 Such technology plan may be developed in conjunction with other courts or jurisdictions
66 throughout this state and shall outline how the fees collected pursuant to this article are to
67 be utilized. The technology plan may cover any or all of the purposes for the court
68 technology fund as listed in subsection (b) of Code Section 15-21-225 but shall also be in
69 accordance with Judicial Council of Georgia's technology standards, when applicable. If
70 a technology plan involves more than one court, a single court clerk shall be selected to
71 administer the court technology fund.
72 (b) In order to collect a court technology fee as set forth in Code Sections 15-21-223 and
73 15-21-224, the governing authority for the participating court must adopt a resolution
74 placing this article in effect, requiring the imposition and collection of the additional fees
75 and penalties set forth in Code Sections 15-21-223 and 15-21-224, and agreeing to expend
76 the funds collected for the purposes provided for in this article. If such additional fees and
77 penalties will be imposed in any court operated by a municipality, the municipality and
78 county in which such municipality lies, shall memorialize such agreement in an
79 intergovernmental contract. Approval shall be deemed to have been granted if a governing
80 authority does not act within 30 days after a request for approval. The additional fees and
81 penalties set forth in Code Sections 15-21-223 and 15-21-224 shall not be imposed or
82 collected until this subsection has been complied with.
83 (c) The chief judge may delegate preparation and oversight of the technology plan to a
84 court official or court technology board, the membership of such board to be determined
85 by the chief judge. The members shall serve at the pleasure of the chief judge. After the
86 technology plan has received governing authority approval, the official or technology board
87 shall oversee the court technology plan and use of the technology fund, including the
88 approval, supervision, and oversight of the expenditure of all sums in the technology fund.

89 (d) Court technology plans and amendments to such plans that are approved by governing
90 authorities shall be reported to the Judicial Council of Georgia.

91 15-21-223.

92 (a) In addition to all other legal costs, there shall be charged to the filing party and
93 collected by the clerk an additional filing fee not to exceed \$5.00 in each civil action or
94 case filed in the superior, state, recorder's, mayor's, and magistrate courts if this article has
95 been placed in effect as provided in Code Section 15-21-222. Without limiting the
96 generality of the foregoing, such fee shall apply to all adoptions, certiorari, trade name
97 registrations, applications for change of name, and all other proceedings of a civil nature.
98 Any matter which is docketed upon the official dockets of the enumerated courts and to
99 which a number is assigned shall be subject to such fee, whether such matter is contested
100 or not. Such fee shall not be imposed when a filing fee is waived by law or is paid by a
101 municipality, county, political subdivisions, or the state.

102 (b)(1) As used in this subsection, the term 'civil action' means:

103 (A) With regard to decedents' estates, the following proceedings: petition for letters of
104 administration; petition to probate a will in solemn form; petition for an order declaring
105 no administration necessary; petition to probate a will in solemn form and for letters of
106 administration with will annexed; and petition for year's support;

107 (B) With regard to a minor guardianship matter as set forth in paragraph (1) of
108 subsection (f) of Code Section 15-9-60, the proceeding by which the jurisdiction of the
109 probate court is first invoked;

110 (C) With regard to an adult guardianship matter as set forth in paragraph (1) of
111 subsection (g) of Code Section 15-9-60, the proceeding by which the jurisdiction of the
112 probate court is first invoked; and

113 (D) An application for writ of habeas corpus.

114 (2) In addition to all other legal costs, there shall be charged to the filing party and
115 collected by the clerk an additional fee not to exceed \$5.00 in each civil action filed in
116 the probate court if this article has been placed in effect as provided in Code
117 Section 15-21-222. For the purposes of the imposition of the civil filing fee required by
118 this subsection, the probate court shall collect the civil filing fee on each proceeding
119 listed in subparagraph (A) of paragraph (1) of this subsection involving a decedent but
120 once only in a guardianship matter involving the same ward or an application for writ of
121 habeas corpus involving the same applicant.

122 (c) Each clerk of court or any other officer or agent of any court receiving any funds
123 subject to this Code section shall collect the fee provided for in this Code section, and by
124 the last day of the month after the month of collection pay the fees into a specially
125 designated technology fund to be administered by the clerk of court. The fund shall be
126 separate from all other funds held by the clerk, and the chief judge shall determine how
127 expenditures shall be approved as set forth in this article.

128 (d) Any governing authority that approves a technology plan may request an audit of such
129 fund.

130 15-21-224.

131 (a) In every case in which any superior court, state court, probate court, magistrate court,
132 municipal court, or other court in any county or municipality in which this article has been
133 placed in effect as provided in Code Section 15-21-222 shall impose a fine, which shall be
134 construed to include costs, for any offense against a criminal or traffic law of this state or
135 any ordinance of a political subdivision thereof, there shall be imposed as an additional
136 penalty not to exceed \$5.00.

137 (b) The sum provided by subsection (a) of this Code section shall be in addition to any
138 other amount required by law to paid from or added to a criminal fine or ordinance
139 violation.

140 (c) Each clerk of court or any other officer or agent of any court receiving any funds
141 subject to this Code section shall collect the fee provided for in this Code section, and by
142 the last day of the month after the month of collection pay the fees into a specially
143 designated technology fund to be administered by the clerk of court. The fund shall be
144 separate from all other funds held by the clerk, and the chief judge shall determine how
145 expenditures are approved as set forth in this article.

146 (d) Any governing authority that approves a technology plan may request an audit of such
147 fund.

148 15-21-225.

149 (a) The sums accumulated pursuant to this article shall be used exclusively to provide for
150 the technology needs, in all levels of courts in this state, for the use of the courts by the
151 public, judges, prosecuting attorneys, public defenders, attorneys providing indigent
152 defense services, probation officers, law enforcement officers, and clerks and other court
153 officers of the court.

154 (b) The use of the sums accumulated pursuant to this article may be expended for the
155 following:

156 (1) Securing the services of employees or independent contractors to manage, maintain,
157 install, and repair computer and networking hardware and software; to provide
158 purchasing information and recommendations; to provide technical assistance; to
159 coordinate and manage network, internet, and other such data connections; and for any
160 and all reasonable and necessary related tasks;

161 (2) Computer hardware and software purchases and leases, including maintenance and
162 installation of computer hardware and software;

163 (3) Purchase, lease, maintenance, and installation of electronic courthouse systems,
164 including, but not limited to, imaging, scanning, facsimile, communications, projection,
165 evidence display systems, courthouse directional displays, audio or video-enhancement

166 technology for hearing impaired persons, security and surveillance systems, and printing
167 equipment and software;

168 (4) Purchase, lease, maintenance, and installation of networking, internet, and other
169 connectivity services to permit related offices to link and share information;

170 (5) Training directly related to the use of operation of court information technology
171 applications or court information hardware; and

172 (6) Contracts for any and all of the services provided for in this subsection with any
173 individual or entity supplying such services, expertise, or equipment.

174 (c) This article shall not preclude the appropriation or expenditure of other funds by a
175 governing authority or by the General Assembly for the purpose of funding court related
176 technology needs.

177 (d) This article shall not preclude donations, gifts, grants, or bequests, in-kind or monetary,
178 from being accepted into the technology fund.

179 15-21-226.

180 Beginning August 1, 2028, each court shall make an annual report to the Judicial Council
181 of Georgia detailing amounts received pursuant to this article, including the court source
182 and the expenditure of such fees.

183 15-21-227.

184 Except as provided in this Code section, on and after July 1, 2027, no local law providing
185 for court technology fees shall be enacted, and all local Acts creating technology fees are
186 hereby preempted. Funds held by a court pursuant to a local Act enacted prior to July 1,
187 2027, may continue to be used in the same manner and for the same purposes provided in
188 any such previously enacted local Act, except that, in any court in which a technology plan
189 is adopted pursuant to this article, the previously collected funds may be held and used in
190 accordance with such technology plan."

191 **SECTION 3.**

192 This Act shall become effective on July 1, 2027, and shall apply to all civil cases filed on or
193 after that date and all criminal penalties or ordinance violation penalties imposed on offenses
194 that occur on or after that date, if the provisions of this Act have been adopted by local
195 governing authorities as provided in Code Section 15-21-222.

196 **SECTION 4.**

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