

House Bill 351 (AS PASSED HOUSE AND SENATE)

By: Representative Maxwell of the 17<sup>th</sup>

:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated,  
2 relating to revenues collected from fines and fees in the probate courts, so as to change the  
3 portion of such fines paid to the Judges of the Probate Courts Retirement Fund of Georgia;  
4 to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article 4 of Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to  
8 revenues collected from fines and fees in the probate courts, is amended by revising Code  
9 Section 47-11-51, relating to payment to fund of a portion of criminal and quasi-criminal  
10 fines and forfeited bonds, duty to record and report collection, and penalties, as follows:

11 "47-11-51

12 (a) In every criminal and quasi-criminal case for violating state statutes or traffic laws;  
13 which case is before a judge of the probate court and in which case a fine is collected or  
14 a bond is forfeited, ~~a sum based upon the scale set out below for each case~~ \$3.00 shall be  
15 collected by the judge, clerk of court, or other collecting authority. Such bond or fine shall  
16 be construed to include costs. ~~Such sums shall be paid upon the following scale:~~

17 ~~For any fine or bond forfeiture of more than \$4.00, but not more than \$25.00 . . . \$1.00~~

18 ~~For any fine or bond forfeiture of more than \$25.00, but not more than \$50.00 . . . 1.50~~

19 ~~For any fine or bond forfeiture of more than \$50.00 but not more than \$100.00 . . . 2.00~~

20 ~~For any fine or bond forfeiture of more than \$100.00 . . . . . 2.50~~

21 (b) The sum provided for shall be paid to the board before the payment of any cost or any  
22 claims whatsoever against such fine or forfeiture. It is made the duty of the judge of the  
23 probate court or other authority collecting the money to keep accurate records of the  
24 amount due the board so that the same may be audited or inspected at any time by any

25 representative of the board at the direction of the board. Sums remitted to the board under  
26 this Code section shall be used as provided for elsewhere in this chapter.

27 (c)(1) All moneys required to be paid to the board by this Code section shall be due on  
28 the twentieth day of the month after collection. Each judge of the probate court, clerk of  
29 court, or other collecting authority shall pay such moneys to the board no later than such  
30 due date and shall submit with such moneys a sworn statement of the number and nature  
31 of transactions for which such moneys are required to be paid and the amount due. Such  
32 sworn statement shall be on a form furnished to each judge of the probate court by the  
33 board.

34 (2) Moneys not paid when due shall bear interest at the rate of 7 percent per annum.

35 (3) Moneys not paid within 60 days of the date they are due shall be delinquent. There  
36 shall be imposed on delinquent funds a specific penalty in the amount of 5 percent of the  
37 principal amount delinquent per month for each month such moneys remain delinquent;  
38 but such specific penalty shall not exceed 25 percent of the principal amount due. Such  
39 specific penalty shall be in addition to the 7 percent per annum interest charged on  
40 overdue moneys. ~~All funds due on or before July 10, 1980, shall be delinquent 60 days~~  
41 ~~after such date.~~

42 (4) For failure to file the written report of transactions and amount due when due, there  
43 shall be imposed a specific penalty in the amount of \$5.00 for each month such report  
44 remains overdue; but such specific penalty shall not exceed \$50.00 for failure to file any  
45 one report.

46 (5) By affirmative vote of all the members, the board, upon the payment of all overdue  
47 funds and interest and for good cause shown, may waive the specific penalties provided  
48 by paragraphs (3) and (4) of this subsection."

49 **SECTION 2.**

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