

Senate Bill 369

By: Senators Kirk of the 13th, Gooch of the 51st, Hill of the 4th, Wilkinson of the 50th, Anderson of the 43rd and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 15-18-80 and Article 4 of Chapter 17 of Title 47 of the Official
2 Code of Georgia Annotated, relating to policy and procedure and revenues collected from
3 fines and fees, respectively, so as to provide for payments to the Peace Officers' Annuity and
4 Benefit Fund from fees collected in criminal and quasi-criminal cases prior to adjudication
5 of guilt; to provide for collection and payments to the fund; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

8 **SECTION 1.**

9 Code Section 15-18-80 of the Official Code of Georgia Annotated, relating to policy and
10 procedure, is amended by revising subsection (f) as follows:

11 "(f) The prosecuting attorney shall be authorized to assess ~~and collect~~ from each offender
12 who enters the program a fee not to exceed \$1,000.00 for the administration of the
13 program. Such fee may be waived in part or in whole or made payable in monthly
14 increments upon a showing of good cause to the prosecuting attorney. Any fee collected
15 under this subsection shall be collected by the clerk of court and made payable to the
16 general fund of the political subdivision in which the case is being prosecuted. For
17 purposes of subsection (a.1) of Code Section 47-17-60, the clerk of court shall provide the
18 political subdivision all relevant records and completed forms for compliance with such
19 Code section."

20 **SECTION 2.**

21 Article 4 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to
22 revenues collected from fines and fees, is amended by revising Code Section 47-17-60,
23 relating to payments to the fund from fines and bonds collected in criminal and
24 quasi-criminal cases, duty of collecting authority to record and remit sums collected, and
25 penalty, as follows:

26 "47-17-60.

27 (a) A portion of each fine collected and each bond forfeited and collected in any criminal
28 or quasi-criminal case for violation of state statutes, county ordinances, or municipal
29 ordinances, which case is before any court or tribunal in this state, shall be paid to the
30 secretary-treasurer according to the following schedule:

31 (1) Three dollars for any fine or bond forfeiture of more than \$4.00, but not more than
32 \$25.00;

33 (2) Four dollars for any fine or bond forfeiture of more than \$25.00, but not more than
34 \$50.00;

35 (3) Five dollars for any fine or bond forfeiture of more than \$50.00, but not more than
36 \$100.00;

37 (4) Five percent of any fine or bond forfeiture of more than \$100.00.

38 For purposes of determining amounts to be paid to the secretary-treasurer, the amount of
39 the fine or bond collected shall be deemed to include costs. The amounts provided for shall
40 be paid to the secretary-treasurer before the payment of any costs or any claim whatsoever
41 against such fine or forfeiture. The collecting authority shall pay such amounts to the
42 secretary-treasurer on the first day of the month following that in which they were collected
43 or at such other time as the board may provide. With such payment there shall be filed an
44 acceptable form which shows the number of cases in each of the above categories and the
45 amounts due in each category. It shall be the duty of the collecting authority to keep
46 accurate records of the amounts due the board so that the records may be audited or
47 inspected at any time by any representative of the board under its direction. Sums remitted
48 to the secretary-treasurer under this Code section shall be used as provided for elsewhere
49 in this chapter.

50 (a.1) Five dollars of each fee collected prior to adjudication of guilt for purposes of pretrial
51 diversion pertaining to any criminal or quasi-criminal case for violation of state statutes,
52 county ordinances, or municipal ordinances as provided for in subsection (f) of Code
53 Section 15-18-80, which case is before any court or tribunal in this state, shall be paid to
54 the secretary-treasurer. The political subdivision as provided for in subsection (f) of Code
55 Section 15-18-80 shall pay such amounts to the secretary-treasurer on the first day of the
56 month following that in which they were collected or at such other time as the board may
57 provide. With such payment there shall be filed an acceptable form from the clerk of court
58 which shows the number of cases in each of the above categories and the amounts due in
59 each category. It shall be the duty of the clerk of court to keep accurate records of the
60 amounts due the board so that the records may be audited or inspected at any time by any
61 representative of the board under its direction. Sums remitted to the secretary-treasurer
62 under this Code section shall be used as provided for elsewhere in this chapter.

63 (b) If the collecting authority fails to remit such amounts with an acceptable form properly
64 filled out within 60 days of the date on which such remittal is due, the same shall be
65 delinquent, and there shall be imposed, in addition to the principal amount due, a specific
66 penalty in the amount of 5 percent of the principal amount per month for each month
67 during which the funds continue to be delinquent, provided that such penalty shall not
68 exceed 25 percent of the principal due. In addition to such penalty, interest shall be
69 charged on delinquent amounts at the rate of 6 percent per annum from the date the funds
70 become delinquent until they are paid. All funds due on or before April 1, 1966, and not
71 paid shall be delinquent after the expiration of 60 days from that date. By affirmative vote
72 of all members, the board, upon the payment of the delinquent funds together with interest
73 and for good cause shown, may waive the specific penalty otherwise charged under this
74 subsection."

75

SECTION 3.

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