

House Bill 767 (AS PASSED HOUSE AND SENATE)

By: Representative Yeara 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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16 related proceedings as provided for in Article 4 of Chapter 6 of Title 17 of the O.C.G.A.,
17 relating to bonds for good behavior and bonds to keep the peace; the holding of courts of
18 inquiry; trials of charges of violations of county ordinances and penal ordinances of state
19 authorities; trials of civil claims, including garnishment and attachment; the issuance of
20 summonses, trials of issues, and issuance of writs and judgments in dispossessory
21 proceedings and distress warrant proceedings as provided for in Articles 3 and 4 of
22 Chapter 7 of Title 44 of the O.C.G.A.; punishment for contempt; all other proceedings of
23 a civil or criminal nature; and for such other matters as are committed to their jurisdiction
24 by other general law.

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

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

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

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

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

48 (A) The chief judge of the magistrate court;

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

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

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

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

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

68

SECTION 2.

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