Senate Bill 73
By: Senators Harper of the 7th, Albers of the 56th, Gooch of the 51st, Mullis of the 53rd, Robertson of the 29th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-18-80 and Article 4 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to policy and procedure relative to pretrial intervention and diversion programs and revenues collected from fines and fees relative to the Peace Officers' Annuity and Benefit Fund, respectively, so as to provide that payments to the Peace Officers' Annuity and Benefit Fund from fees collected in criminal and quasi-criminal cases prior to adjudication of guilt shall be deducted and remitted by the clerk of court directly to the secretary-treasurer of such fund; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Code Section 15-18-80 of the Official Code of Georgia Annotated, relating to policy and procedure relative to pretrial intervention and diversion programs, is amended by revising subsection (f) as follows:

“(f) The prosecuting attorney shall be authorized to assess from each offender who enters the program a fee not to exceed $1,000.00 for the administration of the program. Such fee may be waived in part or in whole or made payable in monthly increments upon a showing of good cause to the prosecuting attorney. Any fee collected under this subsection shall be collected by the clerk of court and made payable to the general fund of the political subdivision in which the case is being prosecuted; provided, however, that the clerk of court shall deduct amounts due pursuant to subsection (a.1) of Code Section 47-17-60 and shall remit such amounts to the secretary-treasurer of the Peace Officers' Annuity and Benefit Fund in accordance with said Code section. For purposes of subsection (a.1) of Code Section 47-17-60, the clerk of court shall provide the political subdivision all relevant records and completed forms for compliance with such Code section.”
SECTION 2.

Article 4 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to revenues collected from fines and fees relative to the Peace Officers' Annuity and Benefit Fund, is amended by revising Code Section 47-17-60, relating to payments to the fund from fines and bonds collected in criminal and quasi-criminal cases, duty of collecting authority to record and remit sums collected, and penalty, as follows:

"47-17-60.

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

(1) Three dollars for any fine or bond forfeiture of more than $4.00, but not more than $25.00;
(2) Four dollars for any fine or bond forfeiture of more than $25.00, but not more than $50.00;
(3) Five dollars for any fine or bond forfeiture of more than $50.00, but not more than $100.00; or
(4) Five percent of any fine or bond forfeiture of more than $100.00.

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

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

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

SECTION 3.

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