

House Bill 1007

By: Representatives Cox of the 108th, Brockway of the 102nd, Pruett of the 149th, and Powell of the 32nd

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 create the Student and School Safety Fund Commission; to provide for the membership,
3 appointment, terms, and duties of such commission; to create the Student and School Safety
4 Fund; to provide for the imposition, collection, and disposition of certain additional fees for
5 violation of certain criminal and traffic laws of this state to be used to implement and
6 enhance student and school safety measures; to provide for the priority of the fund when
7 partial payments are made; to provide for related matters; to provide for a contingent
8 effective date; to provide for automatic repeal under certain circumstances; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
13 Section 15-6-95, relating to priorities of distribution of fines, bond forfeitures, surcharges,
14 additional fees, and costs in cases of partial payments into the court, by deleting "and" at the
15 end of paragraph (14), by replacing the period with "; and" at the end of paragraph (15), and
16 by adding a new paragraph to read as follows:

17 "(16) The amount provided for in Code Section 15-21-227 for the Student and School
18 Safety Fund."

19 style="text-align:center">**SECTION 2.**

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

22 "ARTICLE 12

23 15-21-220.

24 This article is enacted pursuant to the authority of Article III, Section IX, Paragraph VI(p)
 25 of the Constitution of Georgia, which provision authorizes additional penalty assessments
 26 in criminal and traffic cases and provides that the proceeds derived therefrom may be used
 27 for the purpose of student and school safety measures.

28 15-21-221.

29 As used in this article, the term:

30 (1) 'Commission' means the Student and School Safety Fund Commission created in
 31 Code Section 15-21-222.

32 (2) 'Student and School Safety Fund' means the fund created pursuant to Code
 33 Section 15-21-226.

34 15-21-222.

35 (a) There is created the Student and School Safety Fund Commission, which is assigned
 36 to the Department of Public Safety for administrative purposes only, as prescribed in Code
 37 Section 50-4-3.

38 (b) The Student and School Safety Fund Commission shall consist of eight members who
 39 shall serve for terms of four years. The State Board of Education, the Georgia Emergency
 40 Management and Homeland Security Agency, and the Department of Public Safety shall
 41 each designate one member of the commission. The remaining five members of the
 42 commission shall be appointed by the Governor. The Governor shall also establish initial
 43 terms of office for all members of the commission.

44 (c) In the event of death, resignation, disqualification, or removal for any reason of any
 45 member of the commission, the vacancy shall be filled in the same manner as the original
 46 appointment, and the successor shall serve for the unexpired term.

47 (d) Membership on the commission does not constitute a public office, and no member
 48 shall be disqualified from holding public office by reason of his or her membership.

49 (e) The Governor shall designate a chairperson of the commission from among the
 50 members, which chairperson shall serve in that position at the pleasure of the Governor.
 51 The commission may elect such other officers and committees as it considers appropriate.

52 (f) The commission, with the approval of the Governor, may employ such professional,
 53 technical, or clerical personnel as deemed necessary to carry out the purposes of this
 54 article.

55 15-21-223.

56 Members of the commission shall serve without compensation but shall receive the same
 57 expense allowance per day as that received by a member of the General Assembly for each
 58 day such member of the commission is in attendance at a meeting of such commission, plus
 59 either reimbursement for actual transportation costs while traveling by public carrier or the
 60 same mileage allowance for use of a personal car in connection with such attendance as
 61 members of the General Assembly receive. Such expense and travel allowance shall be
 62 paid in lieu of any per diem, allowance, or other remuneration now received by any such
 63 member for such attendance.

64 15-21-224.

65 (a) The commission shall do all of the following:

66 (1) Meet at such times and places as it shall determine necessary or convenient to
 67 perform its duties. The commission shall also meet on the call of the chairperson or the
 68 Governor;

69 (2) Maintain minutes of its meetings;

70 (3) Adopt rules and regulations for the transaction of its business;

71 (4) Accept applications for disbursements of available moneys from the fund;

72 (5) Maintain records of all expenditures of the commission, funds received as gifts and
 73 donations, and disbursements made; and

74 (6) Conform to the standards and requirements prescribed by the state accounting office
 75 pursuant to Chapter 5B of Title 50.

76 (b) The commission shall utilize existing state resources and staff of participating
 77 departments whenever practicable.

78 15-21-225.

79 The commission may recommend to the Governor and the General Assembly changes in
 80 state programs, statutes, policies, budgets, and standards relating to student and school
 81 safety.

82 15-21-226.

83 (a) There is created the Student and School Safety Fund as a separate fund in the state
 84 treasury. The state treasurer shall credit to the fund all amounts transferred to such fund
 85 and shall invest the fund moneys in the same manner as authorized for investing other
 86 moneys in the state treasury.

87 (b) The commission may authorize the disbursement of available funds from moneys
 88 appropriated to the commission by the General Assembly for purposes of implementing

89 and enhancing student and school safety measures, including, but not limited to, security
 90 related devices and equipment, training of school personnel, and school resource officers.

91 15-21-227.

92 (a) In every case in which any state court, probate court, juvenile court, police, recorder's,
 93 or mayor's court, municipal court, magistrate court, or superior court in this state shall
 94 impose a fine, which shall be construed to include costs, for any criminal or quasi-criminal
 95 offense against a criminal or traffic law, including civil traffic violations and violations of
 96 local criminal ordinances, of this state or political subdivision thereof, there shall be
 97 imposed as an additional penalty a sum equal to the lesser of \$50.00 or 10 percent of the
 98 original fine. In every case in which any state court, probate court, municipal court,
 99 magistrate court, recorder's court, mayor's court, or superior court shall order the forfeiture
 100 of bail or bond, the additional amounts provided for in this paragraph shall be paid over as
 101 provided in Code Section 15-21-228.

102 (b) Such sums shall be in addition to any amount required to be paid into any pension,
 103 annuity, or retirement fund under Title 47 or any other law and in addition to any other
 104 amounts provided for in this article.

105 15-21-228.

106 (a) The sums provided for in Code Section 15-21-227 shall be assessed and collected by
 107 the clerk or other court officer charged with the duty of collecting moneys from fines and
 108 shall be paid over by the last day of the following month to the Georgia Superior Court
 109 Clerks' Cooperative Authority for remittance to the Student and School Safety Fund
 110 Commission to be deposited into the Student and School Safety Fund.

111 (b) Any person whose duty it is to collect and remit the sums provided for in this article
 112 who refuses to so remit shall be guilty of a misdemeanor."

113 **SECTION 3.**

114 This Act shall become effective on January 1, 2019, provided that a constitutional
 115 amendment is passed by the General Assembly and is ratified by the voters in the
 116 November, 2018, General Election amending the Constitution of Georgia to authorize the
 117 General Assembly to provide specific funding to the Student and School Safety Fund. If
 118 such an amendment to the Constitution of Georgia is not so ratified, then this Act shall not
 119 become effective and shall stand repealed by operation of law on January 1, 2019.

120 **SECTION 4.**

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