

Senate Bill 345

By: Senator Stone of the 23rd

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 provide for a technology fee to be collected under certain circumstances; to provide for a  
3 short title; to provide for a purpose for such fees; to provide for imposition of additional civil  
4 filing fees and criminal penalties; to provide for adoption of county resolutions; to provide  
5 for a technology fund; to provide for technology plans; to provide for expenditure of funds  
6 collected; to preempt local Acts providing for technology fees; to provide for an automatic  
7 repealer; to amend Code Section 36-15-7 of the Official Code of Georgia Annotated, relating  
8 to the use of law library funds, so as to change provisions relating to the use of law library  
9 funds for a court's technology needs; to provide for an effective date and applicability; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
14 Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures, surcharges,  
15 additional fees, and cost in cases of partial payments into the court, as follows:

16 "15-6-95.

17 Notwithstanding any law to the contrary, a clerk of any superior court of this state who  
18 receives partial payments, as ordered by the court, of criminal fines, forfeitures, or costs  
19 shall distribute said sums in the order of priority set forth below:

20 (1) The amount provided for in Chapter 17 of Title 47 for the Peace Officers' Annuity  
21 and Benefit Fund;

22 (2) The amount provided for in Chapter 14 of Title 47 for the Superior Court Clerks'  
23 Retirement Fund of Georgia;

24 (3) The amount provided for in Chapter 16 of Title 47 for the Sheriffs' Retirement Fund  
25 of Georgia;

- 26 (4) The amounts provided under subparagraphs (a)(1)(A) and (a)(2)(A) of Code Section  
 27 15-21-73;
- 28 (5) The amounts provided for under subparagraphs (a)(1)(B) and (a)(2)(B) of Code  
 29 Section 15-21-73;
- 30 (6) The amounts provided for in Code Section 15-21-93 for jail construction and staffing;
- 31 (7) The amount provided for in Code Section 15-21-131 for funding local victim  
 32 assistance programs;
- 33 (8) The amount provided for in Code Section 36-15-9 for county law libraries;
- 34 (9) The balance of the base fine owed to the county;
- 35 (10) The amount provided for in cases of driving under the influence for purposes of the  
 36 Georgia Crime Victims Emergency Fund under Code Section 15-21-112;
- 37 (11) The application fee provided for in subsection (c) or (e) of Code Section 15-21A-6;
- 38 (12) The amount provided for in cases of driving under the influence for purposes of the  
 39 Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
- 40 (13) The amount provided for in Code Section 15-21-100 for the Drug Abuse Treatment  
 41 and Education Fund; ~~and~~
- 42 (14) The amounts provided for in subsection (d) of Code Section 42-8-34; and
- 43 (15) The amounts provided for in Code Section 15-21-204 for technology funding."

44 **SECTION 2.**

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

47 "ARTICLE 11

48 15-21-200.

49 This article shall be known and may be cited as the 'Court Technology Funding Act.'

50 15-21-201.

51 (a) As used in this article, the term 'governing authority' means the body that governs the  
 52 county, consolidated government, or municipality, as applicable.

53 (b) This article is enacted in order to authorize the collection of additional civil filing fees  
 54 and additional penalty assessments in criminal and traffic cases and cases involving  
 55 violations of ordinances of political subdivisions so as to provide that the proceeds derived  
 56 therefrom may be used for court-related technology needs, in all levels of courts in this  
 57 state, for the use of the courts by the public, judges, prosecuting attorneys, public

58 defenders, attorneys providing indigent defense services, probation officers, law  
59 enforcement officers, and clerks and other court officers.

60 15-21-202.

61 (a) The chief judge of any court may initiate the development of a court technology plan.  
62 Such technology plan may be developed in conjunction with other courts or jurisdictions  
63 throughout this state and shall outline how the fees collected pursuant to this article are to  
64 be utilized. The technology plan may cover any or all of the purposes for the court  
65 technology fund as listed in subsection (b) of Code Section 15-21-205 but shall also be in  
66 accordance with Judicial Council of Georgia's technology standards, when applicable. If  
67 a technology plan involves more than one court, a single court clerk shall be selected to  
68 administer the court technology fund.

69 (b) In order to collect a court technology fee as set forth in Code Sections 15-21-203 and  
70 15-21-204, the governing authority for the participating court must adopt a resolution  
71 placing this article in effect, requiring the imposition and collection of the additional fees  
72 and penalties set forth in Code Sections 15-21-203 and 15-21-204, and agreeing to expend  
73 the funds collected for the purposes provided for in this article. If such additional fees and  
74 penalties will be imposed in any court operated by a municipality, the municipality and  
75 county in which such municipality lies, shall memorialize such agreement in an  
76 intergovernmental contract. Approval shall be deemed to have been granted if a governing  
77 authority does not act within 30 days after a request for approval. The additional fees and  
78 penalties set forth in Code Sections 15-21-203 and 15-21-204 shall not be imposed or  
79 collected until this subsection has been complied with.

80 (c) The chief judge may delegate preparation and oversight of the technology plan to a  
81 court official or court technology board, the membership of such board to be determined  
82 by the chief judge. The members shall serve at the pleasure of the chief judge. After the  
83 technology plan has received governing authority approval, the official or technology board  
84 shall oversee the court technology plan and use of the technology fund, including the  
85 approval, supervision, and oversight of the expenditure of all sums in the technology fund.  
86 (d) Court technology plans and amendments to such plans that are approved by governing  
87 authorities shall be reported to the Judicial Council of Georgia.

88 15-21-203.

89 (a) In addition to all other legal costs, there shall be charged to the filing party and  
90 collected by the clerk an additional filing fee not to exceed \$5.00 in each civil action or  
91 case filed in the superior, state, recorder's, mayor's, and magistrate courts if this article has  
92 been placed in effect as provided in Code Section 15-21-202. Without limiting the

93 generality of the foregoing, such fee shall apply to all adoptions, certiorari, trade name  
94 registrations, applications for change of name, and all other proceedings of a civil nature.  
95 Any matter which is docketed upon the official dockets of the enumerated courts and to  
96 which a number is assigned shall be subject to such fee, whether such matter is contested  
97 or not. Such fee shall not be imposed when a filing fee is waived by law or is paid by a  
98 municipality, county, political subdivisions, or the state.

99 (b)(1) As used in this subsection, the term 'civil action' means:

100 (A) With regard to decedents' estates, the following proceedings: petition for letters of  
101 administration; petition to probate a will in solemn form; petition for an order declaring  
102 no administration necessary; petition to probate a will in solemn form and for letters of  
103 administration with will annexed; and petition for year's support;

104 (B) With regard to a minor guardianship matter as set forth in paragraph (1) of  
105 subsection (f) of Code Section 15-9-60, the proceeding by which the jurisdiction of the  
106 probate court is first invoked;

107 (C) With regard to an adult guardianship matter as set forth in paragraph (1) of  
108 subsection (g) of Code Section 15-9-60, the proceeding by which the jurisdiction of the  
109 probate court is first invoked; and

110 (D) An application for writ of habeas corpus.

111 (2) In addition to all other legal costs, there shall be charged to the filing party and  
112 collected by the clerk an additional fee not to exceed \$5.00 in each civil action filed in  
113 the probate court if this article has been placed in effect as provided in Code Section  
114 15-21-202. For the purposes of the imposition of the civil filing fee required by this  
115 subsection, the probate court shall collect the civil filing fee on each proceeding listed in  
116 subparagraph (A) of paragraph (1) of this subsection involving a decedent but once only  
117 in a guardianship matter involving the same ward or an application for writ of habeas  
118 corpus involving the same applicant.

119 (c) Each clerk of court or any other officer or agent of any court receiving any funds  
120 subject to this Code section shall collect the fee provided for in this Code section, and by  
121 the last day of the month after the month of collection pay the fees into a specially  
122 designated technology fund to be administered by the clerk of court. The fund shall be  
123 separate from all other funds held by the clerk, and the chief judge shall determine how  
124 expenditures shall be approved as set forth in this article.

125 (d) Any governing authority that approves a technology plan may request an audit of such  
126 fund.

127 15-21-204.

128 (a) In every case in which any superior court, state court, probate court, magistrate court,  
 129 municipal court, or other court in any county or municipality in which this article has been  
 130 placed in effect as provided in Code Section 15-21-202 shall impose a fine, which shall be  
 131 construed to include costs, for any offense against a criminal or traffic law of this state or  
 132 any ordinance of a political subdivision thereof, there shall be imposed as an additional  
 133 penalty not to exceed \$5.00.

134 (b) The sum provided by subsection (a) of this Code section shall be in addition to any  
 135 other amount required by law to paid from or added to a criminal fine or ordinance  
 136 violation.

137 (c) Each clerk of court or any other officer or agent of any court receiving any funds  
 138 subject to this Code section shall collect the fee provided for in this Code section, and by  
 139 the last day of the month after the month of collection pay the fees into a specially  
 140 designated technology fund to be administered by the clerk of court. The fund shall be  
 141 separate from all other funds held by the clerk, and the chief judge shall determine how  
 142 expenditures are approved as set forth in this article.

143 (d) Any governing authority that approves a technology plan may request an audit of such  
 144 fund.

145 15-21-205.

146 (a) The sums accumulated pursuant to this article shall be used exclusively to provide for  
 147 the technology needs, in all levels of courts in this state, for the use of the courts by the  
 148 public, judges, prosecuting attorneys, public defenders, attorneys providing indigent  
 149 defense services, probation officers, law enforcement officers, and clerks and other court  
 150 officers of the court.

151 (b) The use of the sums accumulated pursuant to this article may be expended for the  
 152 following:

153 (1) Securing the services of employees or independent contractors to manage, maintain,  
 154 install, and repair computer and networking hardware and software; to provide  
 155 purchasing information and recommendations; to provide technical assistance; to  
 156 coordinate and manage network, Internet, and other such data connections; and for any  
 157 and all reasonable and necessary related tasks;

158 (2) Computer hardware and software purchases and leases, including maintenance and  
 159 installation of computer hardware and software;

160 (3) Purchase, lease, maintenance, and installation of electronic courthouse systems,  
 161 including, but not limited to, imaging, scanning, facsimile, communications, projection,  
 162 evidence display systems, courthouse directional displays, audio or video-enhancement

163 technology for hearing impaired persons, security and surveillance systems, and printing  
 164 equipment and software;

165 (4) Purchase, lease, maintenance, and installation of networking, Internet, and other  
 166 connectivity services to permit related offices to link and share information;

167 (5) Training directly related to the use of operation of court information technology  
 168 applications or court information hardware; and

169 (6) Contracts for any and all of the services provided for in this subsection with any  
 170 individual or entity supplying such services, expertise, or equipment.

171 (c) This article shall not preclude the appropriation or expenditure of other funds by a  
 172 governing authority or by the General Assembly for the purpose of funding court-related  
 173 technology needs.

174 (d) This article shall not preclude donations, gifts, grants, or bequests, in-kind or monetary,  
 175 from being accepted into the technology fund.

176 15-21-206.

177 Beginning August 1, 2015, each court shall make an annual report to the Judicial Council  
 178 of Georgia detailing amounts received pursuant to this article, including the court source  
 179 and the expenditure of such fees.

180 15-21-207.

181 Except as provided in this Code section, on and after July 1, 2014, no local law providing  
 182 for court technology fees shall be enacted, and all local Acts creating technology fees are  
 183 hereby preempted. Funds held by a court pursuant to a local Act enacted prior to July 1,  
 184 2014, may continue to be used in the same manner and for the same purposes provided in  
 185 any such previously enacted local Act, except that, in any court in which a technology plan  
 186 is adopted pursuant to this article, the previously collected funds may be held and used in  
 187 accordance with such technology plan.

188 15-21-208.

189 This article shall be repealed in its entirety on July 1, 2020."

190 **SECTION 3.**

191 Code Section 36-15-7 of the Official Code of Georgia Annotated, relating to the use of law  
 192 library funds, is amended by revising subsection (a) as follows:

193 "(a) The money paid into the hands of the treasurer of the board of trustees of the county  
 194 law library shall be used for the purchase of law books, reports, texts, periodicals, supplies,  
 195 desks, and equipment and for the maintenance, upkeep, and operation of the law library,

196 including the services of a librarian and, within the discretion of the board of trustees,  
197 payment for purchases made by a county's superior court, state court, probate court,  
198 magistrate court, or juvenile court, ~~and for the purchase or leasing of computer related legal~~  
199 ~~research equipment and programs~~ and for technology expenses in accordance with the uses  
200 permitted by subsection (b) of Code Section 15-21-205, and, at the discretion of the county  
201 governing authority, for the establishment and maintenance of the codification of county  
202 ordinances. However, the amount transferred to the county governing authority for  
203 codification pursuant to this subsection shall not exceed the cost of establishing or  
204 maintaining the codification."

205 **SECTION 4.**

206 This Act shall become effective on July 1, 2014, and shall apply to all civil cases filed on or  
207 after that date and all criminal penalties or ordinance violation penalties imposed on offenses  
208 that occur on or after that date, if the provisions of this Act have been adopted by local  
209 governing authorities as provided in Code Section 15-21-202.

210 **SECTION 5.**

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