

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

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

13 "47-17-60.

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

18 (1) Three dollars for any fine or bond forfeiture of more than \$4.00, but not more than
19 \$25.00;

20 (2) Four dollars for any fine or bond forfeiture of more than \$25.00, but not more than
21 \$50.00;

22 (3) Five dollars for any fine or bond forfeiture of more than \$50.00, but not more than
23 \$100.00;

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

25 For purposes of determining amounts to be paid to the secretary-treasurer, the amount of
26 the fine or bond collected shall be deemed to include costs. The amounts provided for shall

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

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

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

61 **SECTION 2.**

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