

**Court Fees
In Georgia
Laws and Information
2004**

**Compliments of the
Administrative Office of the Courts
Court Business and Process Improvement Program
October, 2004**

Court Fees In Georgia Laws and Information

July 1, 2004

Acknowledgements:

**This book would not be possible without the hard work and dedication of the Court Fee Program of the Administrative Office of the Courts. Special thanks go to Teresa Pumphrey, Vi Farness and Program Manager Bob Bray
July 1, 2004
October 27, 2004 – Forms Updated**

Court Fees in Georgia - Laws and Information

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Criminal and Civil Fee Charts

Introduction

The Criminal and Civil Fine Charts that follow identify all of the statewide mandated fees associated with criminal fines and civil filings. These charts do not include fees that your local laws may require you to assess and collect in addition to the other fees, for example, a technology fee. We hope you find these charts to be a useful tool when researching information about each surcharge or deduction that must be assessed.

The charts first identify the statute(s) in the Official Code of Georgia Annotated where you may find a discussion about a specific fee and the common label used to identify that fee. We encourage you and your court to adopt these fee labels so that they are easier to identify when discussing them with you or with other court officials. In some instances, a shadow label appears to reflect the manner in which the Georgia Superior Court Clerks' Cooperative Authority identifies the fee on any reports that they may request that you send with your monthly remittance.

The purpose of the fee is next identified as well as whether it is an addition to, or a deduction from, the base fine. A description of the manner in which the fee is to be calculated and on which offenses it applies is followed by a color identifier as to which class of court should be assessing each fee. This may not necessarily apply to a particular court in a class, even if other courts in that class are assessing the fee since the statutes explain under what conditions the fee may be applicable. For example, a Jail fee may be applicable to a municipal court if there is an intergovernmental agreement between the municipality and the county requiring the jail fee to be assessed and collected.

Another feature of the color charts is that some of the fees are printed in dark red, which is a quick reference to those fees that are to be reported to the Georgia Superior Court Clerks' Cooperative Authority beginning July 1, 2004. You may also note that on the criminal fee chart the Indigent Defense Application Fee (IDAF) is listed twice, once in black and once in dark red. The IDAF is the \$50.00 fee that is assessed when a person applies for or receives legal defense services under the Indigent Defense Act. In Superior and Juvenile Courts this fee, if collected, will be remitted to the Authority. In other classes of courts, the entity providing the legal defense services will be allowed to retain this fee. In many instances, the governing authority is providing this service.

The laws relevant to fees and their assessments are complicated and varied, and all of us at the Administrative Office of the Courts have learned to always refer to the charts and to the statutes whenever a question is asked of us because it is a unique individual who can remember all of the subtle differences and distinctions relating to fees.

Official Code Reference	Beneficiary Fund	Purpose of Fee	Add or Deduct To or from Base fine	Application/ Calculation	These courts <u>MAY</u> be require to assess					
					SUP	ST	JUV	PRO	MAG	MUN I
O.C.G.A. §47-17-60	POAB Peace Officers' Annuity and Benefit	Retirement Fund	■	Criminal and quasi-criminal fines: \$3 if fine is \$4-25; \$4 if fine is \$26-50; \$5 if fine is \$51-100; 5% if fine is \$101+						
O.C.G.A. §47-14-50	SCCRF (CRF) Superior and State Court Clerk Retirement Fund	Retirement Fund	■	\$1.75 per criminal fine						
O.C.G.A. §§47-11-50-51	PCJRF (PRF) Probate Court Judge's Retirement Fund	Retirement Fund	■	Criminal, quasi-criminal, and traffic fines: \$1 if fine is \$4-25; \$1.50 if fine is \$25-49; \$2 if fine is \$50-99; \$2.50 if fine is \$100+						
O.C.G.A. §47-16-60-61	SRF Sheriff's Retirement Fund	Retirement Fund	■	\$2 per quasi-criminal or criminal fine						
O.C.G.A. §15-21-73(a)(1)(A)*	POPTF Peace Officer and Prosecutor Training Fund [POPIDF(a)(1) (A)]	Training for law enforcement	+	10% of criminal fine up to \$50						
O.C.G.A. §15-21-73(a)(1)(B)*	IDF* Indigent Defense Fund [POPIDF(a)(1) (B)]	Funding for Indigent Defense Programs	+	10% of criminal fine						
O.C.G.A. §§15-21-110-115	CVEF** Crime Victim Emergency Fund	Compensation of crime victims	+	11% of DUI fine up to \$26						
O.C.G.A. §§15-21-140-152	BSITF Brain and Spinal Injury Trust Fund	Care and rehabilitative services for brain and spinal cord injury	+	10% of DUI fine amount						
O.C.G.A. §42-8-34	SGF (CLF) State General Fund	No designated beneficiary	+	\$25 per DUI or misdemeanor marijuana						
				\$50 per felony probation case						
O.C.G.A. §15-21-90-95	JAIL County Jail Fund	County law enforcement facilities	+	10% of criminal or traffic fine amount						
O.C.G.A. §15-21-100-101	DATE Drug Abuse Treatment and Education	Drug abuse treatment and education	+	50% of drug fine						
O.C.G.A. §15-21-130-134	LVAP Local Victim Assistance Program	Local victims' assistance	+	5% of criminal fine amount						
O.C.G.A. §36-15-9	LL County Law Library	County law library	+/-	Up to \$5 per case—all docketed matters amount determined locally						
O.C.G.A. §40-6-391	PHOTO DUI Photo Publication	Fund publication of photo of DUI offender	+	\$25 on all 2 nd and subsequent DUIs						
O.C.G.A. §§16-5-26 and 16-5-96	PHOTO Family Violence Photo Publication	Publication of photo of Family Violence repeat offender	+	\$25 on all 2 nd and subsequent convictions under the Family Violence Act						
O.C.G.A. §15-21A-6(b) & (c)	IDAF Indigent Defense Fund Application Fee	Indigent Defense in Superior and Juvenile Courts	+	\$50 application fee if not waived by Judge						
O.C.G.A. §15-21A-6(e)	IDAF Indigent Defense Fund Application Fee	Indigent Defense kept by public entity	+	\$50 application fee if not waived by Judge						

See note following next page

Official Code Reference	Beneficiary Fund	Purpose of Fee	Add or Deduct To or from Base fine	Application/ Calculation	These courts <u>MAY</u> be require to assess					
					SUP	ST	JUV	PRO	MAG	MUNI
O.C.G.A. §47-14-50	SCCRF (CRF) Superior and State Court Clerk Retirement Fund	Retirement Fund	+	\$1 per civil case						
			+	\$0.50 per real estate filing						
O.C.G.A. §§47-11-50-51	PCJRF (PRF) Probate Court Judge's Retirement Fund	Retirement Fund	-	20% of fee marriage license						
			-	\$2 per civil filing						
			-	\$1 per pistol license						
O.C.G.A. §§47-16-60-61	SRF Sheriff's Retirement Fund	Retirement Fund	+	\$1 per civil case						
O.C.G.A. §15-21A-6(a)*	IDF* Indigent Defense Fund (POPIDF)	Funding for Indigent Defense Programs	+	\$15.00 civil action or civil case filed						
O.C.G.A. §§15-9-60.1 and 15-6-77.4	CTF Children's Trust Fund	Prevention of child abuse and neglect	+	\$15 per marriage license						
			+	\$5 per divorce case						
O.C.G.A. §§15-23-7—12	ADR Alternative Dispute Resolution	Dispute resolution programs	+	Up to \$7.50 per civil case						
O.C.G.A. §36-15-9	LL County Law Library	County law library	+/-	Up to \$5 per case—all docketed matters amount determined locally						

This list of court fees to be assessed to criminal and civil fines is not all inclusive. Some local jurisdictions have local fees that do not apply to courts outside of that jurisdiction. Ex: a local technology fee.

* Identifies new fees and definitions pursuant to HB EX1

** Identifies change in fee pursuant to HB 20

Labels of Beneficiary Funds in **dark red** indicate funds to be remitted to the Superior Court Clerks Cooperative Authority beginning July 1, 2004.

Please review each law to determine if the court must assess that fee.

Please feel free to call Bob Bray at 404-651-6204 or e-mail at CourtFees@gaoc.us

PARTIAL PAYMENTS

Partial Payment Priority List for Juvenile, Magistrate, Municipal and Probate Courts

- 1. Peace Officer's Annuity and Benefit Fund (POAB)**
- 2. Any Retirement Fund (as may be applicable)**
- 3. Law Library (LL)**
- 4. Peace Officer, Prosecutor and Indigent Defense Fund (POPIDF -A)**
- 5. Peace Officer, Prosecutor and Indigent Defense Fund (POPIDF - B)**
- 6. City/County Governing Authority**
- 7. Jail Construction and Staffing Fund (JAIL)**
- 8. Crime Lab Fee (CLF)**
- 9. Georgia Crime Victim Emergency Fund (CVEF)**
- 10. Drug Abuse Treatment and Education Fund (DATE)**
- 11. Local Victims Assistance Program (LVAP)**
- 12. Brain and Spinal Injury Trust Fund (BSITF)**

Partial Payment Priority for Superior and State Courts

- 1. Peace Officer Annuity and Benefit Fund**
- 2. Superior Court Clerk's Retirement Fund**
- 3. Sheriff's Retirement Fund**
- 4. Peace Officer, Prosecutor and Indigent Defense Fund (POPIDF-A)**
- 5. Peace Officer, Prosecutor and Indigent Defense Fund (POPIDF-B)**
- 6. Law Library (LL)**
- 7. Jail Construction and Staffing (JAIL)**
- 8. Georgia Crime Victims Emergency Fund (CVEF)**
- 9. City/County Governing Authority**
- 10. Drug Abuse Treatment and Education Fund (DATE)**
- 11. Local Victim Assistance Program (LVAP)**
- 12. Brain and Spinal Injury Trust Fund (BSITF)**
- 13. Crime Lab Fee (CLF)**

Note: Restitution is always satisfied in full before the priority list takes effect

Peace Officer's Annuity and Benefit Fund of Georgia

O.C.G.A. § 47-17-60

POAB

Johnny Colwell, Field Administrator

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Griffin, GA 30224

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www.state.ga.us/poab

Statutes on Peace Officer's Annuity Benefit (POAB)

§ 47-17-60. 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; penalty

(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;

(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.

(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 remittance 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.

HISTORY: Ga. L. 1950, p. 50, § 10; Ga. L. 1953, Jan.-Feb. Sess., p. 574, § 2; Ga. L. 1956, p. 280, § 9; Ga. L. 1958, p. 341, § 5; Ga. L. 1959, p. 330, § 2; Ga. L. 1966, p. 395, § 1; Ga. L. 1970, p. 93, § 1; Ga. L. 1975, p. 578, § 1; Ga. L. 1987, p. 475, § 1; Ga. L. 1989, p. 225, § 1.

JUDICIAL DECISIONS

GOVERNMENT INSTITUTED FOR GOOD OF WHOLE. --Allocation of a portion of the fines and forfeitures under this section is not a violation of Ga. Const. 1945, Art. I, Sec. I, Paras. I, II (see Ga. Const. 1983, Art. I, Sec. I, Para. II and Art. I, Sec. II, Para. I) because of the possibility that peace officers will institute prosecutions for sole purpose of building the fund as public officers are presumed to do their duty. [Cole v. Foster, 207 Ga. 416, 61 S.E.2d 814 \(1950\).](#)

APPROPRIATION IS CONSTITUTIONAL. --Allocation of a portion of the fines and forfeitures under this section is not an appropriation in violation of Ga. Const. 1945, Art. VII, Sec. V, Para. I (see Ga. Const. 1983, Art. IX, Sec. II, Para. VIII). [Cole v. Foster, 207 Ga. 416, 61 S.E.2d 814 \(1950\).](#)

UNAUTHORIZED TAX. --Allocation of a portion of the fines and forfeitures under this section is not an unauthorized tax in violation of Ga. Const. 1945, Art. VII, Sec. II, Para. I (see Ga. Const. 1983, Art. VII, Sec. II, Para. I). [Cole v. Foster, 207 Ga. 416, 61 S.E.2d 814 \(1950\).](#)

CONTRACTUAL RELATION CREATED BY SECTION. --The provisions of this section, requiring that peace officers pay a defined monthly sum into the fund, create a contractual relation, and the disability and retirement pay provided therein is not a gratuity but is adjusted compensation for services rendered. [Cole v. Foster, 207 Ga. 416, 61 S.E.2d 814 \(1950\).](#)

CITED in [Gay v. McTimer, 114 Ga. App. 461, 151 S.E.2d 776 \(1966\)](#); [Carter v. Haynes, 228 Ga. 462, 186 S.E.2d 115 \(1971\)](#); [Peace Officers' Annuity & Benefit Fund v. Blocker, 135 Ga. App. 822, 219 S.E.2d 456 \(1975\)](#); [Busbee v. Gillis, 241 Ga. 353, 245 S.E.2d 304 \(1978\).](#)

OPINIONS OF THE ATTORNEY GENERAL

PAYMENTS NOT "COSTS". --As to the Peace Officers' Annuity and Benefit Fund and the Judges of the Probate Courts Retirement Fund, the General Assembly has drawn a plain distinction between court costs and the payments which must be made into those retirement systems. Therefore, payments which are to be made into the Peace Officers' Annuity and Benefit Fund and into the Judges of the Probate Courts Retirement Fund should not be treated as part of court costs. 1972 Op. Att'y Gen. No. 72-29.

MONEYS PAID WHENEVER COSTS COLLECTED. --The intent of the added phrase "to include costs" in subsection (a) of this section indicates the moneys are to be paid whenever costs are collected, whether as part of a fine, bond, or as a result of a settlement and nolle prosequi. 1963-65 Op. Att'y Gen. p. 609.

COLLECTION AND RECORDING OF AMOUNTS DUE. --The collecting officer deducts the amount authorized under this section of the Peace Officers' Annuity and Benefit Fund before any moneys arising from fines and forfeitures are paid into the fine and forfeiture fund. The money so deducted is to be accurately recorded and transmitted to the treasurer of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund as provided by law. 1950-51 Op. Att'y Gen. p. 131.

Records of amounts due the Peace Officers' Annuity and Benefit Fund must be kept by the person or authority collecting the money. Normally, this person will be the clerk of the court. 1970 Op. Att'y Gen. No. U70-85.

PAYMENT REQUIRED EVEN THOUGH NO POLICE ARE MEMBERS. --The law makes no distinction as to any court, and the fact that no policemen in a particular city are members of the fund does not remove the requirement of payment into the fund by any court of such city. 1957 Op. Att'y Gen. p. 229.

REMITTANCES FROM MAGISTRATE COURTS. --Remittances are required from the magistrate courts to the Sheriffs' Retirement Fund under § 47-16-61(b), added in 1986, and will be required for the Peace Officers' Annuity and Benefit Fund as of July 1, 1987 by virtue of Act No. 572 which amends this Code section. 1987 Op. Att'y Gen. No. U87-12, supplementing 1986 Op. Att'y Gen. U86-33.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Exemption from garnishment for funds or benefits from pension or retirement program, § 18-4-22. Reimbursement of Department of Law by Employees' Retirement System of Georgia, Teachers Retirement System of Georgia, for legal services provided by assistant attorney general, etc., § 45-15-37. Exclusion from taxable net income of amounts received from certain enumerated pension or retirement funds or systems, § 48-7-27.

EDITOR'S NOTES. --See the editor's notes under § 1-1-1 quoting in full the provisions of the annual reenactment of the Code and its supplement except for the provisions of this title.

LAW REVIEWS. --For article, "The Pension Game: Age- and Gender-Based Inequities in the Retirement System," see [25 Ga. L. Rev. 1 \(1990\)](#). For article, "Pension Reform/Simplification -- An Urgent Need: Practical Proposals from the Front Lines," see [25 Ga. L. Rev. 91 \(1990\)](#).

RESEARCH REFERENCES

ALR. --Validity, construction, and effect of provision forfeiting or suspending benefits in event of competitive employment as part of retirement or pension plan, [18 ALR3d 1246](#).

What constitutes employer's "withdrawal" from multiemployer pension plan, under §§ 4203 and 4205 of Employee Retirement Income Security Act ([29 U.S.C. §§ 1383 and 1385](#)), so as to result in liability to plan, [101 ALR Fed. 173](#).

NOTES APPLICABLE TO ENTIRE CHAPTER

JUDICIAL DECISIONS

CONSTITUTIONALITY. --This chapter is not in violation of Ga. Const. 1976, Art. I, Sec. II, Para. I or III (see Ga. Const. 1983, Art. I, Sec. I, Para. II and Art. I, Sec. II, Para. I), on the ground that the public interest is affected, in that prosecutions will be instituted for the sole purpose of building up this fund. There is no merit in this contention for the reason that the public officers are presumed to do their duty. [Cole v. Foster, 207 Ga. 416, 61 S.E.2d 814 \(1950\)](#).

This chapter is not in violation of Ga. Const. 1976, Art. VII, Sec. I, Para. II (see Ga. Const. 1983, Art. III, Sec. VI, Para. VI), relating to gratuities. [Cole v. Foster, 207 Ga. 416, 61 S.E.2d 814 \(1950\)](#).

CITED in [McCallum v. Bryan, 213 Ga. 669, 100 S.E.2d 916 \(1957\)](#); [Crow v. McCallum, 215 Ga. 692, 113 S.E.2d 203 \(1960\)](#).

OPINIONS OF THE ATTORNEY GENERAL

PAROLE REVIEW OFFICERS employed by the State Board of Pardons and Paroles are entitled to membership in the Peace Officers' Annuity and Benefit Fund. 1975 Op. Att'y Gen. No. U75-30.

COUNTY FIREMEN AND DEPUTY SHERIFFS are not prohibited from simultaneously belonging to both the county retirement system and either the Peace Officers' Annuity and Benefit Fund or the Georgia Firemen's Pension Fund. 1975 Op. Att'y Gen. No. U75-77.

RESEARCH REFERENCES

ALR. --Statute of limitations in respect of action or proceeding to establish right to, or recovery of benefits of, pension, [136 ALR 809](#).

Reasonableness of classification, as regards beneficiaries, by statute providing for retirement fund or pension for public officers or employees, [163 ALR 870](#).

What constitutes "salary," "wages," "pay," or the like, within pension law basing benefits thereon, [14 ALR2d 634](#).

Gift to or for employees' pension fund as valid charitable gift or trust, [28 ALR2d 428](#).

Vested right of pensioner to pension, [52 ALR2d 437](#).

Unemployment compensation: eligibility of employee laid off according to employer's mandatory retirement plan, [50 ALR3d 880](#).

Right to unemployment compensation as affected by receipt of pension, [56 ALR3d 520](#).

**Superior Court Clerk &
State Court Clerk
Retirement Fund**

O.C.G.A. § 47-14-50-51

SCCRF

Woodson Daniel, Secretary/Treasurer

124 N. McDonough Street

Office #3

Jonesboro, GA 30236

Phone: 912-783-1911

Statutes on Superior and State Court Clerks' Retirement Fund

O.C.G.A. § 47-14-50. Payments to fund from fines and bonds collected in criminal and quasi-criminal cases; duty of collecting authority to record and remit; penalty for late payment

(a) The sum of \$1.75 shall be paid to the board from each fine collected and each bond forfeited and collected in any criminal or quasi-criminal case for violation of state law if the case is tried in any court of this state in which the clerk of such court is eligible for membership in this retirement fund. The collecting authority shall pay such amounts to the board each quarter or at such other times as the board may provide. It shall be the duty of the collecting authority to keep accurate records of the amounts due the board. Such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used for the purposes provided for in this chapter.

(b) If the clerk or other collecting authority whose duty it is to collect and remit moneys to the fund under subsection (a) of this Code section shall fail to remit such moneys within 60 days of the date on which such remittal is due, such moneys 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 a total of 25 percent of the principal due. In addition to such penalty, interest shall be charged on the delinquent moneys at the rate of 6 percent per annum from the date such moneys became delinquent until they are paid. After April 1, 1966, all moneys which have not been paid to the fund within 60 days of the due date shall be delinquent. By affirmative vote of all members, the board, upon the payment of the delinquent moneys together with interest and for good cause shown, may waive the specific penalty otherwise charged under this subsection.

HISTORY: Ga. L. 1952, p. 238, § 8; Ga. L. 1962, p. 67, § 1; Ga. L. 1966, p. 222, § 2; Ga. L. 1969, p. 688, § 1; Ga. L. 1970, p. 177, § 1; Ga. L. 1976, p. 729, § 1; Ga. L. 1992, p. 2348, § 1; Ga. L. 2002, p. 470, § 4.

NOTES:

THE 2002 AMENDMENT, effective July 1, 2002, in subsection (a), substituted "the clerk of such court is eligible for membership in this retirement fund" for "a clerk of the superior court is clerk, provided that such fine or bond is at least \$5.00", and deleted the former last sentence, which read: "In all counties having a population of more than 600,000 according to the United States decennial census of 1990 or any such future census, where the compensation of the clerk is on a salary basis, this Code section shall not apply."

OPINIONS OF THE ATTORNEY GENERAL

THE PROVISIONS OF THIS SECTION ARE MANDATORY and the appropriate amount must be paid regardless of whether the clerk is a member of the retirement fund. 1952-53 Op. Att'y Gen. p. 324.

CONTRIBUTIONS TO FUND ARE NOT "COSTS". --Contributions to the Superior Court Clerks' Retirement Fund and the Sheriffs' Retirement Fund are not embraced within the word "costs" as that term is used in the setting of criminal proceedings; therefore, such

contributions are statutorily created charges against the fine itself. 1972 Op. Att'y Gen. No. 72-29.

RECORDS OF AMOUNTS DUE TO FUND. --Records of amounts due the Superior Court Clerks' Retirement Fund must be kept by the collecting authority, i.e., the court. This duty will usually be assigned to the clerk of the court. 1970 Op. Att'y Gen. No. U70-85.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Exemption from garnishment for funds or benefits from pension or retirement program, § 18-4-22. Reimbursement of Department of Law by Employees' Retirement System of Georgia, Teachers Retirement System of Georgia, for legal services provided by assistant attorney general, etc., § 45-15-37. Exclusion from taxable net income of amounts received from certain enumerated pension or retirement funds or systems, § 48-7-27.

EDITOR'S NOTES. --See the editor's notes under § 1-1-1 quoting in full the provisions of the annual reenactment of the Code and its supplement except for the provisions of this title.

LAW REVIEWS. --For article, "The Pension Game: Age- and Gender-Based Inequities in the Retirement System," see [25 Ga. L. Rev. 1 \(1990\)](#). For article, "Pension Reform/Simplification -- An Urgent Need: Practical Proposals from the Front Lines," see [25 Ga. L. Rev. 91 \(1990\)](#).

RESEARCH REFERENCES

ALR. --Validity, construction, and effect of provision forfeiting or suspending benefits in event of competitive employment as part of retirement or pension plan, [18 ALR3d 1246](#).

What constitutes employer's "withdrawal" from multiemployer pension plan, under §§ 4203 and 4205 of Employee Retirement Income Security Act ([29 U.S.C. §§ 1383 and 1385](#)), so as to result in liability to plan, [101 ALR Fed. 173](#).

O.C.G.A. § 47-14-51. Payments to the fund from fees collected in certain civil actions and for recording of instruments pertaining to real estate; records; audit of records; use of sums remitted

(a) In addition to all other legal costs, the sum of \$1.00 shall be charged and collected in each civil suit, action, case, or proceeding filed in the superior courts or in any other court of this state in which a clerk eligible for membership in this retirement fund is clerk, including, without limiting the generality of the foregoing, all adoptions, charters, certiorari, applications by a personal representative for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of a civil nature, filed in the superior courts or other such courts.

(b) In addition to all other legal costs, the sum of 50 cent(s) shall be charged and collected in addition to any other fees or costs for the processing of all instruments pertaining to real estate filed in the superior courts.

(c) The clerks shall collect the fees provided for in subsections (a) and (b) of this Code section and the fees so collected shall be remitted to the board on a quarterly basis or at

such time as the board may provide. It shall be the duty of the clerks to keep accurate records of the amounts due the board under this Code section and such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used for the purposes provided in this chapter.

HISTORY: Ga. L. 1977, p. 1098, §§ 1, 2; Ga. L. 1983, p. 555, § 1; Ga. L. 2002, p. 470, § 5.

NOTES:

THE 2002 AMENDMENT, effective July 1, 2002, substituted "eligible for membership in this retirement fund" for "of the superior court" in subsection (a); and deleted "of the superior courts" following "clerks" in the first and second sentences of subsection (c).

JUDICIAL DECISIONS

CITED in [Orr v. Culpepper, 161 Ga. App. 801, 288 S.E.2d 898 \(1982\)](#).

OPINIONS OF THE ATTORNEY GENERAL

TIME FOR CHARGING ADDITIONAL SUM. --The additional sum of \$1.00 authorized by this section to be paid to the clerks of the superior courts should be charged and collected upon the filing of articles of amendment, articles of merger and articles of dissolution. 1978 Op. Att'y Gen. No. 78-63.

WHEN CLERK OF BOTH SUPERIOR AND MAGISTRATE COURTS MAY COLLECT FEE. --A superior court clerk is authorized to collect a \$1.00 fee on each civil action filed in magistrate court for the benefit of the superior court clerks' retirement fund when that superior court clerk also holds the position of clerk of magistrate court. 1983 Op. Att'y Gen. No. U83-49.

INSTRUMENTS PERTAINING TO REAL ESTATE. --For a list of instruments which, along with their cancellation, pertain to real estate within the meaning of subsection (b), see 1983 Op. Att'y Gen. No. U83-60.

CANCELLATION OF REAL ESTATE INSTRUMENT SUBJECT TO FEE. --If an original instrument pertains to real estate within the meaning of subsection (b) of this section, the cancellation authorization also so pertains to real estate. 1983 Op. Att'y Gen. No. U83-60.

PETITIONS FILED UNDER FAMILY VIOLENCE ACT. --One dollar fees for the clerks' and sheriffs' retirement funds should be charged in addition to the filing fees for a petition filed under the Family Violence Act (§ 19-13-1 et seq.). 1988 Op. Att'y Gen. No. U88-11.

RESEARCH REFERENCES

ALR. --Federal government or agencies of federal government as subject to payment of tax or fee imposed upon, or for, recording filing instrument, [124 ALR 1267](#).

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

Probate Court Judges' Retirement Fund

O.C.G.A. § 47-11-50-51

PCJRF

PRF

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**Statutes on Probate Court Judges Retirement Fund
(PCJRF) (PRF)**

O.C.G.A. § 47-11-50. Payment to fund of a portion of fees collected in connection with marriage licenses; duty to record and report collection; interest; delinquent payment; penalties

(a)(1) The judges of the probate courts shall withhold the following amounts and pay the same to the board by the twentieth day of the month following the month in which such fees were collected, irrespective of whether such collecting judge of the probate court is now or may hereafter be compensated from fees collected or by a salary, or both:

(A) Twenty percent of all fees collected by any and all judges of the probate courts for any service rendered as such in taking applications for marriage licenses, issuing and recording such marriage licenses, and filing such applications and marriage licenses with the Department of Human Resources;

(B) \$2.00 of each civil filing; and

(C) \$1.00 of the fee paid for each application for a license to carry a pistol or revolver.

(2) It shall be the duty of each judge of the probate court to keep accurate records of all such fees collected, and such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used to provide adjustments of the compensation of the several judges of the probate courts by making retirement benefits available to such judges of the probate courts and to pay the costs of administration incurred by the board.

(b) Each judge of a probate court shall submit with the moneys due under subsection (a) of this Code section a sworn statement of the number and nature of transactions for which such moneys are required to be paid and the amount due. Such sworn statement shall be on a form furnished to each judge of a probate court by the board.

(c) Moneys not paid when due shall bear interest at the rate of 7 percent per annum.

(d) Moneys not paid within 60 days of the date they are due shall be delinquent. There shall be imposed on delinquent funds a specific penalty in the amount of 5 percent of the principal amount delinquent per month for each month such moneys remain delinquent; but such specific penalty shall not exceed 25 percent. Such specific penalty shall be in addition to the 7 percent per annum interest charged on overdue moneys. All funds due on or before July 10, 1980, shall be delinquent 60 days after such date.

(e) For failure to file the written report of transactions and amount due when due, there shall be imposed a specific penalty in the amount of \$5.00 for each month said report remains overdue; but such specific penalty shall not exceed \$50.00 for failure to file any one report.

(f) By affirmative vote of all the members, the board, upon the payment of all overdue funds and interest and for good cause shown, may waive the specific penalties provided by subsections (d) and (e) of this Code section.

HISTORY: Ga. L. 1958, p. 185, § 8; Ga. L. 1959, p. 269, § 1; Ga. L. 1959, p. 354, § 2; Ga. L. 1961, p. 57, § 3; Ga. L. 1968, p. 548, § 6; Ga. L. 1980, p. 1346, § 1; Ga. L. 1986, p. 1494, § 1; Ga. L. 2002, p. 1072, § 1.

NOTES:

THE 2002 AMENDMENT, effective July 1, 2002, in subsection (a), added the paragraph and subparagraph designations, inserted the introductory language in paragraph (a)(1), inserted a semicolon at the end of subparagraph (a)(1)(A), added subparagraphs (a)(1)(B) and (a)(1)(C), and deleted "shall be withheld by the judges of the probate courts collecting such fees and shall be paid to the board by the twentieth day of the month following the month in which such fees were collected, irrespective of whether such collecting judge of the probate court is now or may hereafter be compensated from fees collected or by a salary, or both." preceding "It shall be the duty" in paragraph (a)(2).

JUDICIAL DECISIONS

CONSTITUTIONALITY. --The constitutional infirmities existing in the prior version of this section are not present in the current section, and this section does not violate the equal protection or due process clauses of the [United States and Georgia Constitutions. Holcombe v. Gunby, 241 Ga. 105, 243 S.E.2d 65 \(1978\).](#)

RESEARCH REFERENCES

AM. JUR. 2D. --60A Am. Jur. 2d, Pensions and Retirement Funds, § 1608 et seq.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Exemption from garnishment for funds or benefits from pension or retirement program, § 18-4-22. Reimbursement of Department of Law by Employees' Retirement System of Georgia, Teachers Retirement System of Georgia, for legal services provided by assistant attorney general, etc., § 45-15-37. Exclusion from taxable net income of amounts received from certain enumerated pension or retirement funds or systems, § 48-7-27.

EDITOR'S NOTES. --See the editor's notes under § 1-1-1 quoting in full the provisions of the annual reenactment of the Code and its supplement except for the provisions of this title.

LAW REVIEWS. --For article, "The Pension Game: Age- and Gender-Based Inequities in the Retirement System," see [25 Ga. L. Rev. 1 \(1990\)](#). For article, "Pension Reform/Simplification -- An Urgent Need: Practical Proposals from the Front Lines," see [25 Ga. L. Rev. 91 \(1990\)](#).

RESEARCH REFERENCES

ALR. --Validity, construction, and effect of provision forfeiting or suspending benefits in event of competitive employment as part of retirement or pension plan, [18 ALR3d 1246](#).

What constitutes employer's "withdrawal" from multiemployer pension plan, under §§ 4203 and 4205 of Employee Retirement Income Security Act ([29 U.S.C. §§ 1383 and 1385](#)), so as to result in liability to plan, [101 ALR Fed. 173](#).

O.C.G.A. § 47-11-51. Payment to fund of a portion of criminal and quasi-criminal fines and forfeited bonds; duty to record and report collection; penalties

(a) In every criminal and quasi-criminal case for violating state statutes or traffic laws, which case is before a judge of the probate court and in which case a fine is collected or a bond is forfeited, a sum based upon the scale set out below for each case shall be collected by the judge or other collecting authority. Such bond or fine shall be construed to include costs. Such sums shall be paid upon the following scale:

For any fine or bond forfeiture of more than \$4.00, but not more than \$25.00..... \$ 1.00

For any fine or bond forfeiture of more than \$25.00, but not more than \$50.00..... 1.50

For any fine or bond forfeiture of more than \$50.00 but not more than \$100.00..... 2.00

For any fine or bond forfeiture of more than \$100.00..... 2.50

(b) The sum provided for shall be paid to the board before the payment of any cost or any claims whatsoever against such fine or forfeiture. It is made the duty of the judge of the probate court or other authority collecting the money to keep accurate records of the amount due the board so that the same may be audited or inspected at any time by any representative of the board at the direction of the board. Sums remitted to the board under this Code section shall be used as provided for elsewhere in this chapter.

(c) (1) All moneys required to be paid to the board by this Code section shall be due on the twentieth day of the month after collection. Each judge of the probate court or other collecting authority shall pay such moneys to the board no later than such due date and shall submit with such moneys a sworn statement of the number and nature of transactions for which such moneys are required to be paid and the amount due. Such sworn statement shall be on a form furnished to each judge of the probate court by the board.

(2) Moneys not paid when due shall bear interest at the rate of 7 percent per annum.

(3) Moneys not paid within 60 days of the date they are due shall be delinquent. There shall be imposed on delinquent funds a specific penalty in the amount of 5 percent of the principal amount delinquent per month for each month such moneys remain delinquent; but such specific penalty shall not exceed 25 percent of the principal amount due. Such specific penalty shall be in addition to the 7 percent per annum interest charged on overdue moneys. All funds due on or before July 10, 1980, shall be delinquent 60 days after such date.

(4) For failure to file the written report of transactions and amount due when due, there shall be imposed a specific penalty in the amount of \$5.00 for each month such report remains overdue; but such specific penalty shall not exceed \$50.00 for failure to file any one report.

(5) By affirmative vote of all the members, the board, upon the payment of all overdue funds and interest and for good cause shown, may waive the specific penalties provided by paragraphs (3) and (4) of this subsection.

HISTORY: Ga. L. 1958, p. 185, § 16; Ga. L. 1959, p. 354, § 6; Ga. L. 1980, p. 1321, § 2; Ga. L. 1986, p. 1494, § 2.

OPINIONS OF THE ATTORNEY GENERAL

PAYMENTS TO FUND NOT COURT COSTS. --The General Assembly has drawn a plain distinction between court costs and the payments which must be made into retirement systems; therefore, payments which are to be made into the Judges of the Probate Retirement Fund should not be treated as part of court costs. 1972 Op. Att'y Gen. No. 72-29.

Sheriff's Retirement Fund of Georgia

O.C.G.A. § 47-16-60-61

SRF

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Statutes on Sheriffs' Retirement Fund (SRF)

O.C.G.A. § 47-16-60. Payments to fund from fines and bonds collected in criminal and quasi-criminal cases; duty of collecting authority to record and remit; penalty for late payment

(a) The sum of \$2.00 shall be allocated to the board from each fine collected and each bond forfeited and collected in any criminal or quasi-criminal case for violation of state law, including traffic laws, which case is before any court of this state in which a sheriff of a superior court or a duly authorized deputy of such sheriff acts as sheriff to such court by virtue of his office, provided that such fine or bond, which shall be construed to include costs, is at least \$5.00. The clerk or other collecting authority for the court in which the fine or bond is collected shall pay such amounts to the secretary-treasurer each quarter or at such other times as the board may provide. These sums shall be paid to the secretary-treasurer before the payment of any costs or any claim whatsoever against such fine or forfeiture, provided that this shall not be construed to repeal any existing priorities established under the laws of this state. It shall be the duty of the clerk or other collecting authority for each court to keep accurate records of the amounts due to the board and to remit the amounts due promptly. Such records may be audited by the board at any time. The sums remitted to the board under this Code section shall be used only for the purposes provided for in this chapter.

(b) If the person or authority whose duty it is to collect and remit moneys to the secretary-treasurer under subsection (a) of this Code section shall fail to remit such moneys within 60 days of the date on which such remittal is due, such moneys 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 moneys continue to be delinquent, provided that such penalty shall not exceed a total of 25 percent of the principal due. In addition to such penalty, interest shall be charged on the delinquent moneys at the rate of 6 percent per annum from the date such moneys become delinquent until they are paid. All moneys due on or before May 1, 1968, and not paid shall be delinquent after the expiration of 60 days from that date. By affirmative vote of all the members, the board, upon the payment of the delinquent moneys together with interest and for good cause shown, may waive the specific penalty otherwise charged under this subsection.

HISTORY: Ga. L. 1963, p. 630, § 10; Ga. L. 1968, p. 1203, § 5; Ga. L. 1988, p. 352, § 1; Ga. L. 1989, p. 52, § 1.

JUDICIAL DECISIONS

CITED in [Peace Officers' Annuity & Benefit Fund v. Blocker, 135 Ga. App. 822, 219 S.E.2d 456 \(1975\).](#)

OPINIONS OF THE ATTORNEY GENERAL

PAYMENTS ARE NOT "COSTS". --Contributions to the Superior Court Clerks' Retirement Fund and the Sheriffs' Retirement Fund are not embraced within the word "costs" as that term is used in the setting of criminal proceedings; therefore, such contributions are statutorily created charges against the fine itself. 1972 Op. Att'y Gen. No. 72-29.

WHEN PAYMENT REQUIRED. --If all other costs and fees came to at least \$3.50, so that the additional \$1.50 for the fund would make a total of \$5.00 or more, then the additional \$1.50 should be added and included. 1963-65 Op. Att'y Gen. p. 609.

KEEPING RECORDS OF AMOUNTS DUE. --Records of amounts due the Sheriffs' Retirement Fund must be kept by the clerk of the court, or if there is no clerk, by the court itself. 1970 Op. Att'y Gen. No. U70-85.

REMITTANCES FROM MAGISTRATE COURTS. --Remittances are required from the magistrate courts to the Sheriffs' Retirement Fund under subsection (b), added in 1986, and will be required for the Peace Officers' Annuity and Benefit Fund as of July 1, 1987 by virtue of Act No. 572 which amends § 47-17-60. 1987 Op. Att'y Gen. No. U87-12, supplementing 1986 Op. Att'y Gen. U86-33.

RESEARCH REFERENCES

AM. JUR. 2D. --60A Am. Jur. 2d, Pensions and Retirement Funds, § 1608 et seq.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Exemption from garnishment for funds or benefits from pension or retirement program, § 18-4-22. Reimbursement of Department of Law by Employees' Retirement System of Georgia, Teachers Retirement System of Georgia, for legal services provided by assistant attorney general, etc., § 45-15-37. Exclusion from taxable net income of amounts received from certain enumerated pension or retirement funds or systems, § 48-7-27.

EDITOR'S NOTES. --See the editor's notes under § 1-1-1 quoting in full the provisions of the annual reenactment of the Code and its supplement except for the provisions of this title.

LAW REVIEWS. --For article, "The Pension Game: Age- and Gender-Based Inequities in the Retirement System," see [25 Ga. L. Rev. 1 \(1990\)](#). For article, "Pension Reform/Simplification -- An Urgent Need: Practical Proposals from the Front Lines," see [25 Ga. L. Rev. 91 \(1990\)](#).

RESEARCH REFERENCES

ALR. --Validity, construction, and effect of provision forfeiting or suspending benefits in event of competitive employment as part of retirement or pension plan, [18 ALR3d 1246](#).

What constitutes employer's "withdrawal" from multiemployer pension plan, under §§ 4203 and 4205 of Employee Retirement Income Security Act ([29 U.S.C. §§ 1383 and 1385](#)), so as to result in liability to plan, [101 ALR Fed. 173](#).

O.C.G.A. § 47-16-61. Payments to fund from fees collected in civil actions; duty to record and remit sums collected; penalties on delinquent amounts

(a) In addition to all other legal costs, the sum of \$1.00 shall be charged and collected in each civil action, case, or proceeding, including, without limiting the generality of the foregoing, all adoptions, charters, certiorari, applications by personal representative for leave to sell or invest, trade name registrations, applications for change of name, and all

other proceedings of a civil nature filed in the superior courts. The clerks of the superior courts shall collect such fees, and the fees so collected shall be remitted to the board quarterly or at such other time as the board may provide. It shall be the duty of the clerks of the superior courts to keep accurate records of the amounts due the board under this subsection, and such records may be audited by the board at any time. The sums remitted to the board under this subsection shall be used only for the purposes provided for in this chapter.

(b) In addition to all other legal costs, the sum of \$1.00 shall be charged and collected in each civil action, case, or proceeding, including, without limiting the generality of the foregoing, all adoptions, charters, certiorari, applications by personal representative for leave to sell or invest, trade name registrations, applications for change of name, and all other proceedings of a civil nature filed in the state courts and magistrate courts of this state in which the sheriff of the superior court also fulfills the function as sheriff of such inferior court. The clerks of such state courts and magistrate courts shall collect such fees, and the fees so collected shall be remitted to the board quarterly or at such other time as the board may provide. It shall be the duty of the clerks of such state courts and magistrate courts to keep accurate records of the amounts due the board under this subsection, and such records may be audited by the board at any time. The sums remitted to the board under this subsection shall be used only for the purposes provided for in this chapter.

(c) If the person or authority whose duty it is to collect and remit moneys to the secretary-treasurer under subsection (a) or subsection (b) of this Code section shall fail to remit such moneys within 60 days of the date on which such remittal is due, such moneys 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 moneys continue to be delinquent, provided that such penalty shall not exceed a total of 25 percent of the principal due. In addition to such penalty, interest shall be charged on the delinquent moneys at the rate of 6 percent per annum from the date such moneys become delinquent until they are paid. By affirmative vote of all the members, the board upon the payment of the delinquent moneys, together with interest, for good cause shown may waive the specific penalty otherwise charged under this subsection.

HISTORY: Ga. L. 1981, p. 918, § 1; Ga. L. 1986, p. 604, § 1; Ga. L. 1989, p. 1153, § 1; Ga. L. 1991, p. 753, § 1.

OPINIONS OF THE ATTORNEY GENERAL

WHEN FEE TO BE COLLECTED. --The additional sum of \$1.00 which superior court clerks are authorized by this section to collect as costs and remit to the Board of Commissioners of the Sheriffs' Retirement Fund should be charged and collected upon the filing of articles of amendment, articles of merger, and articles of dissolution, as well as articles of incorporation, pursuant to Ch. 2 of T. 14. 1981 Op. Att'y Gen. No. 81-56.

REMITTANCES FROM MAGISTRATE COURTS. --Remittances are required from the magistrate courts to the Sheriffs' Retirement Fund under subsection (b), added in 1986, and will be required for the Peace Officers' Annuity and Benefit Fund as of July 1, 1987 by virtue of Act No. 572 which amends § 47-17-60. 1987 Op. Att'y Gen. No. U87-12, supplementing 1986 Op. Att'y Gen. U86-33.

PETITIONS FILED UNDER FAMILY VIOLENCE ACT. --One dollar fees for the clerks' and sheriffs' retirement funds should be charged in addition to the filing fees for a petition filed

under the Family Violence Act. 1988 Op. Att'y Gen. No. U88-11.

CIVIL COURT EXEMPT FROM REMITTING FEES TO SHERIFF'S RETIREMENT FUND. --If the sheriff of a civil court is a constable of the magistrate court and functions independently of the sheriff of the superior court under § 15-10-27, the civil court is exempt from collecting and remitting fees to the Sheriff's Retirement Fund under subsection (b) of this Code section. 1992 Op. Att'y Gen. No. U92-15.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

**Peace Officer, Prosecutor and Indigent
Defense Funding Act**

O.C.G.A. § 15-21-70-77

POP + IDF

GSCCCA

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Statutes on Peace Officer Prosecutor and Indigent Defense Funding Act (POP + IDF)

O.C.G.A. 15-21-70. This article shall be known as and may be cited as the Peace Officer, Prosecutor, and Indigent Defense Funding Act.

O.C.G.A. § 15-21-71. Implementation of constitutional provision

This article is enacted in part pursuant to the authority of Article III, Section IX, Paragraph VI, subparagraph (d) of the Constitution of Georgia, which provision authorizes additional penalty assessments in criminal and traffic cases and provides that the proceeds derived therefrom may be used for the purpose of providing training to law enforcement officers and prosecuting officials.

HISTORY: Code 1981, § 15-21-71, enacted by Ga. L. 1983, p. 1094, § 1.

O.C.G.A. § 15-21-72.

It is the intent of this article to provide funding for the training of law enforcement and prosecutorial officers and to make funds available for funding state indigent defense programs.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-73. Penalty to be imposed in certain criminal and traffic cases and upon violation of bond

(a) (1) In every case in which any state court, probate court, juvenile court, police, recorder's, or mayor's court, municipal court, magistrate court, or superior court in this state shall impose a fine, which shall be construed to include costs, for any criminal or quasi-criminal offense against a criminal or traffic law, including civil traffic violations and violations of local criminal ordinances, of this state or political subdivision thereof, there shall be imposed as an additional penalty a sum equal to:

(A) The lesser of \$50.00 or 10 percent of the original fine; plus

(B) An additional 10 percent of the original fine.

(2) At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this state or political subdivision thereof, an additional sum equal to:

(A) The lesser of \$50.00 or 10 percent of the original fine; plus

(B) The lesser of an additional \$50.00 or 10 percent of the original amount of bail or bond

shall be posted. In every case in which any state court, probate court, municipal court, magistrate court, recorder's court, mayor's court, or superior court shall order the forfeiture of bail or bond, the additional amounts provided for in this paragraph shall be paid over as provided in Code Section 15-21-74.

(b) Such sums shall be in addition to that amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51 concerning the Judges of the Probate Courts Retirement Fund of Georgia and any other amounts provided for by law.

HISTORY: Code 1981, § 15-21-73, enacted by Ga. L. 1983, p. 1094, § 1; Ga. L. 1984, p. 22, § 15; Ga. L. 1987, p. 3, § 15; Ga. L. 1988, p. 286, § 1.

NOTES:

CROSS REFERENCES. --Assessment of costs in criminal cases, Uniform Superior Court Rules, Rule 36.15.

JUDICIAL DECISIONS

PENALTY FEE NOT AUTHORIZED ON DRUG CONVICTION. --Upon conviction of a defendant of possession of cocaine with intent to distribute, the trial court was without authority to impose a fine, penalty fee and D.A.T.E. fee; the penalty for the offense does not include monetary fines. [Rawls v. State, 210 Ga. App. 408, 436 S.E.2d 527 \(1993\)](#).

FINES MAY BE IMPOSED IN ADDITION TO MAXIMUM FINE. --Fines under this section may be added to the maximum allowable fine under § 17-10-3 and no offer of proof is necessary. [Williams v. State, 221 Ga. App. 291, 470 S.E.2d 922 \(1996\)](#).

CITED in [Barraco v. State, 252 Ga. App. 25, 555 S.E.2d 244 \(2001\)](#).

OPINIONS OF THE ATTORNEY GENERAL

APPLICATION OF SURCHARGE. --The surcharge authorized by the Peace Officer and Prosecutor Training Fund Act of 1983 should not be collected in cases in which the offense occurred prior to July 1, 1983, even though trial and/or conviction is after that date. 1983 Op. Att'y Gen. No. U83-51.

APPLICABILITY OF SECTION. --This section does not apply to a criminal case until there is a conviction; therefore, a criminal case which is dismissed or disposed of by nolle prosequi is not covered. 1983 Op. Att'y Gen. No. 83-80.

WHEN PENALTY IMPOSED. --If a sentence imposes neither costs nor a traditional fine, no penalty could be imposed under this section. 1983 Op. Att'y Gen. No. 83-80.

SURCHARGE APPLICABLE TO COSTS WHERE FINE LESS THAN \$500. --The ten percent surcharge imposed by subsection (a) of this section is to be collected on court costs imposed in addition to a fine in a criminal case whenever the amount of the fine is less than \$500. 1984 Op. Att'y Gen. No. U84-18.

SURCHARGE IS AN ADDITIONAL PENALTY to be added to the fine and to the amount of any bail or bond established by the court. 1996 Op. Att'y Gen. No. U96-8.

PENALTIES AND FINE EXCEEDING MAXIMUM FINE. --Penalties may be added which, together with the fine, would exceed the maximum fine permitted by law since, according to the clear terms of this section, the penalty in question is in addition to the fine. 1983 Op. Att'y Gen. No. 83-80.

NECESSITY FOR COURT ORDERING PAYMENT OF PENALTY. --A sentencing judge is not required to make the additional penalty part of his sentence; both the additional penalty and the additional sum in the case of bonds may be added on by the respective court officer whose duty it is to collect the moneys in each particular case. 1983 Op. Att'y Gen. No. 83-80.

REVOCATION OF PROBATION ON FAILURE TO PAY ADDITIONAL PENALTY. --With respect to the revocation of probation on account of a failure to pay the additional penalty, as long as it is a condition of probation that the probationer not violate the laws of the state, it would appear that revocation could be accomplished even though the additional penalty was not specifically prescribed by the sentencing judge, but as a matter of practice the penalty should certainly be included as a condition in the order of probation. 1983 Op. Att'y Gen. No. 83-80.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-74. Assessment and collection of penalties; transfer of payments to Department of Revenue; quarterly accounting

The sums provided for in Code Section 15-21-73 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over to the Georgia Superior Court Clerk's' Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, the Legislative Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter.

HISTORY: Code 1981, § 15-21-74, enacted by Ga. L. 1983, p. 1094, § 1; Ga. L. 1984, p. 22, § 15.

OPINIONS OF THE ATTORNEY GENERAL

APPLICATION OF SURCHARGE. --The surcharge authorized by the Peace Officer and Prosecutor Training Fund Act of 1983 should not be collected in cases in which the offense occurred prior to July 1, 1983, even though trial and/or conviction is after that date. 1983 Op. Att'y Gen. No. U83-51.

PRIORITY OF DISBURSEMENT. --In the event of partial or installment payments of funds, they must be allocated proportionally between money attributable to the fine and to the surcharges, and the amount applicable to the surcharges allocated proportionally to the fund. 1996 Op. Att'y Gen. No. U96-8.

NECESSITY FOR COURT ORDERING PAYMENT OF PENALTY. --A sentencing judge is not required to make the additional penalty part of his sentence; both the additional penalty and the additional sum in the case of bonds may be added on by the respective court officer whose duty it is to collect the moneys in each particular case. 1983 Op. Att'y Gen. No. 83-80.

RESPONSIBILITY FOR ASSESSING AND COLLECTING MONEYS. --There is no single "court officer" who is responsible for assessing, collecting, and remitting to the Department of Revenue the sums described in this article. Prosecuting attorneys, sheriffs, clerks of courts, and probation officers each are responsible for assessing and collecting the described penalty in any case in which they are "charged with the duty of collecting moneys arising from fines and forfeited bonds." 1983 Op. Att'y Gen. No. 83-80.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-75. Reserved.

O.C.G.A. § 15-21-76. Reserved.

History: Code 1981, § 15-21-76, enacted by Ga. L. 1983, p. 1094, §1.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-77.

(a) An amount equal to the net proceeds derived under subparagraphs (a)(1)(A) and a(2)(A) of Code Section 15-21-73 in the immediately preceding year shall be appropriated to fund law enforcement or prosecutorial officers' training, or both, and activities incident thereto, including, but not limited to, payment or repayment to the state treasury for capital outlay, general obligation bond debt service, administrative expenses, and any other expense or fund application which the General assembly may deem appropriate. This subsection shall not preclude the appropriation of a greater amount for this purpose.

(b) It is the intent of the General Assembly that all funds derived under subparagraphs (a)(1)(B) and (a)(2)(B) of Code Section 15-21-73 shall be made available through the general appropriations process and may be appropriated for purposes of funding indigent defense.

(c) Where the Georgia Public Defender Standards Council has approved an alternative delivery system as set forth in Code Section 17-12-36, the council shall pay from funds available to the council an amount of funds equal to the amount that would have been allocated to the circuit for the minimum salary of the circuit public defender, the assistant circuit public defenders, the investigator, and the administrative staff, exclusive of benefits, if the circuit was not operating an alternative delivery system."

Said Title 15 is further amended by adding a new Chapter 21A to read as follows:

“Chapter 21 A

O.C.G.A. § 15-21A-1.

(a) The General Assembly finds that over the years, at various times, there have been enacted into the law and Constitution of this state numerous provisions relating to court costs, fees, and criminal penalty and bond surcharges for various stated purposes and that additional costs, fees, and surcharges may be added in the future. Because of the seriatim nature of these enactments, little or no consideration has been given to the interaction of the enacting provisions. There exists a lack of fiscal data concerning such fees. State law has in some cases provided insufficient guidance for local officials with respect to the priority and manner of distribution of such costs, fees, and surcharges. There exists a need for a centralized agency to act as the collecting and remitting agent for such costs, fees, and surcharges in order to provide for uniform practices and fiscal accountability with respect to such collection and remittance.

(b) It is the intent of this chapter to meet the needs identified in subsection (a) of this Code section and to provide for certain new fees and surcharges in order that funds may be made available for appropriation and may be appropriated for purposes of indigent defense.

O.C.G.A. § 15-21A-2.

As used in this chapter, the term 'authority' means the Georgia Superior Court Clerks' Cooperative Authority established pursuant to Code Section 15-6-94.

O.C.G.A. § 15-21A-3.

(a) As used in this Code section the term 'court' means all trial courts within this state including, but not limited to, superior, juvenile, state, magistrate, probate, municipal, and special courts, whether called mayor's courts, recorder's courts, police courts, civil courts, traffic courts, or miscellaneous courts or any other trial court created in this state under any other name.

(b) The authority shall act as collecting and remitting agent with respect to the costs, fees, and surcharges for certain costs, fees, or surcharges by any clerk of court or other officer or agent of any court. The authority in performing this function shall receive and disburse such funds only in the capacity of a custodial trustee, and such funds shall not in the process of receipt and disbursement become funds of the authority. The costs, fees, and surcharges subject to this Code section are:

- (1) The additional divorce case filing fee under Code Section 15-6-77.4 and the additional marriage license fee under Code Section 15-9-60.1;
- (2) The surcharge on fines and bonds imposed for the training of law enforcement and prosecutorial officers and for indigent defense purposes under Code Section 15-21-73;
- (3) The additional penalties imposed in cases of driving under the influence for purposes of state crime victims compensation under Code Section 15-21-112;
- (4) The additional penalties imposed in cases of driving under the influence for purposes of the Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
- (5) Fees collected by the courts under Code Section 42-8-34; and
- (6) Local victim assistance funds collected pursuant to Article 8 of Chapter 21 of this title.

O.C.G.A. § 15-21A-4.

- (a)(1) Each clerk of any court or any other officer or agent of any court receiving any funds subject to this chapter on or after July 1, 2004, shall remit all such funds to the authority by the end of the month following the month in which such funds are received.
- (2) The chief judge of superior court for each county shall have the authority to require compliance with paragraph (1) of this subsection by any court within the county. If any court is more than 60 days delinquent or is habitually delinquent in remitting any funds or reports required under this Code section or Code Section 15-21A-6, the authority shall notify the chief judge of superior court of the county in which the court is located.
- (b) The authority shall prescribe uniform procedures and forms for the reporting and remittance of all funds subject to Code Section 15-21A-3; and all clerks or other officers or agents remitting such funds shall use the prescribed procedures and forms in reporting and remitting funds to the authority.
- (c) The authority shall prescribe uniform rules, procedures, and forms relative to the partial or installment collection and remittance of funds subject to Code Section 15-21A-3. Any funds held by any court or unit of local government on July 1, 2004, consisting of previously collected partial or installment payments shall be subject to the rules, procedures, and forms so prescribed and shall be remitted to the authority to the extent provided for in such rules and procedures.
- (d) The authority shall remit all funds collected to the designated receiving entities or general fund of the state treasury within 60 days of receiving such funds.

O.C.G.A. § 15-21A-5.

- (a) The authority shall be entitled to retain from the funds received by the authority under Code Section 15-21A-3 and 15-21A-6 an amount equal to 1 percent of such funds, but in no event more than \$500,000.00 per fiscal year, to reimburse the authority for its costs in administering this chapter. The net proceeds, after deduction of such administrative costs, from the funds received by the authority under Code Section 15-21A-3 shall be remitted by the authority as follows:
 - (1) The net proceeds received pursuant to paragraph (1) of subsection (b) of Code Section 15-21A-3 shall be remitted to the general fund of the state treasury;
 - (2) The net proceeds received pursuant to paragraph (2) of subsection (b) of Code Section 15-21A-3 shall be remitted to the general fund of the state treasury;
 - (3) The net proceeds received pursuant to paragraph (3) of subsection (b) of Code Section 15-21A-3 shall be remitted to the Georgia Crime Victims Compensation Board to be deposited into the Georgia Crime Victims Emergency Fund;
 - (4) The net proceeds received pursuant to paragraph (4) of subsection (b) of Code Section 15-21A-3 shall be remitted to the Brain and Spinal Injury Trust Fund Commission for

deposit into the Brain and Spinal Injury Trust Fund;

(5) The net proceeds received pursuant to paragraph (5) of subsection (b) of Code Section 15-21A-3 shall be remitted to the general fund of the state treasury; and

(6) The net proceeds received pursuant to paragraph (6) of subsection (b) of Code Section 15-21A-3 shall be remitted pursuant to Code Section 15-21-132 for local victim assistance.

(b) The net proceeds received pursuant to Code Section 15-21A-6 shall be remitted to the general fund of the state treasury.

(c) Any interest earned on funds subject to this chapter while in the custody of the authority shall be remitted to the general fund of the state treasury.

O.C.G.A § 15-21A-6.

(a) In addition to all other legal costs there shall be charged to the filing party and collected by the clerk an additional filing fee of \$15.00 in each civil action or case filed in the superior, state, probate, recorder's, mayor's, and magistrate courts except that municipalities, counties, and political subdivisions shall be exempt from such fee. Without limiting the generality of the foregoing, such fee shall apply to all adoptions, certiorari, applications by personal representatives for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of a civil nature. Any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned shall be subject to such fee, whether such matter is contested or not.

(b) Any person who applies for or receives legal defense services under Chapter 12 of Title 17 shall pay the entity providing the services a single fee of \$50.00 for the application for, receipt of, or application for and receipt of such services. The application fee may not be imposed if the payment of the fee is waived by the court. The court shall waive the fee if it finds that the applicant is unable to pay the fee or that hardship will result if the fee is charged.

(c) Each clerk of court, each indigent defense program, or any other officer or agent of any court receiving any funds subject to this Code section shall collect the additional fees provided in this Code section and shall pay such moneys over to the authority by the last day of the month after the month of collection, to be deposited by the authority into the general fund of the state treasury.

(d) It is the intent of the General Assembly that all funds derived under this Code section shall be made available through the general appropriations process and may be appropriated for purposes of funding indigent defense.

(e) A public entity other than an entity providing legal defense services under Chapter 12 of Title 17 may charge, in addition to any other fee or surcharge authorized by law, a \$50.00 application fee unless waived by the court for inability to pay or hardship. Any such fee shall be retained by the entity providing the services or used as otherwise provided by law and shall not be subject to payment to the authority or deposit into the state treasury.

O.C.G.A. § 15-21A-7.

(a) As used in this Code section the term 'court' means all trial courts within this state including, but not limited to, superior, juvenile, state, magistrate, probate, municipal, and special courts, whether called mayor's courts, recorder's courts, police courts, civil courts, traffic courts, or miscellaneous courts or any other trial court created in this state under any other name.

(b) The authority shall develop a reporting and accounting system that employs controls necessary to determine the accuracy of the fine and fee collections and disbursement by each clerk of court or other officer or agent of any court receiving any fines and fees. No later than 60 days after the end of the last day of each month, each such clerk or agent shall report to the authority on a reporting system prescribed by the authority. Any entity

doing business with such clerk or agents and all agencies of the state shall cooperate in providing on a timely basis any information or data requested by the authority in a format prescribed by the authority by regulation.

(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all fines and fees collected and remitted by any court and shall submit such report and accounting to the General Oversight Committee for the Georgia Public Defender Standards Council, the Office of Planning and Budget, the Chief Justice of the Supreme Court of Georgia, the Legislative Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter.

O.C.G.A. § 15-21A-8.

Any clerk of court or any other officer or agent receiving any funds subject to this chapter who knowingly fails to pay over any such funds to the authority as required by this chapter, after receiving notice from the authority that such funds are delinquent, shall be guilty of a misdemeanor, except that if the amount of funds knowingly not paid over is \$10,000.00 or more then such person shall be guilty of a felony and punished by imprisonment for not less than one nor more than ten years. The offense created by this Code section shall not merge with any other offense.”

Crime Victims Emergency Fund

O.C.G.A. § 15-21-110

CVEF

Dianne Williams

Phone: 404-559-4949

REMIT TO:

GSCCCA

Fines and Fees Division

P.O. Box 29645

Atlanta, GA 30359

Statutes on Crime Victim Emergency Fund (CVEF)

O.C.G.A. § 15-21-110. Constitutional authority for enactment of article

This article is enacted pursuant to Article III, Section VI, Paragraph VI, subparagraph (f) of the Constitution of Georgia, which provision authorizes the allocation of funds and a continuing fund for the purpose of compensating innocent victims of crime and for the administration of any law enacted for such purpose.

HISTORY: Code 1981, § 15-21-110, enacted by Ga. L. 1992, p. 1836, § 1.

NOTES:

LAW REVIEWS. --For note on 1992 enactment of this article, see 9 Ga. St. U.L. Rev. 298 (1992).

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Establishment of county law libraries, § 15-36-1 et seq. Study of criminal justice needs of state by Georgia Criminal Justice Improvement Council, § 28-8-1 et seq. Criminal Justice Coordinating Council, § 35-6A-1 et seq. Court-martial jurisdiction, § 38-2-370 et seq. Designation of courts which possess jurisdiction over traffic offenses, and procedure in such courts, § 40-13-1 et seq. Indictment, punishment, etc., of judge of probate court for malpractice, partiality, conduct unbecoming office, etc., § 45-11-4.

NOTES APPLICABLE TO ENTIRE ARTICLE

CROSS REFERENCES. --Driving under the influence of alcohol, drugs, or other intoxicating substances, § 40-6-391.

O.C.G.A. § 15-21-112. Additional penalty for violation of Code Section 40-6-391

(a) In every case in which any state court; probate court; juvenile court; municipal court, whether known as mayor's, recorder's, or police court; or superior court in this state shall impose a fine, which shall be construed to include costs, for a violation of Code Section 40-6-391, relating to driving under the influence of alcohol or drugs, or a violation of an ordinance of a political subdivision of this state which has adopted by reference Code Section 40-6-391 pursuant to Article 14 of Chapter 6 of Title 40, there shall be imposed as an additional penalty a sum equal to the lesser of **\$26.00 or 11 percent** of the original fine.

(b) Such sums shall be in addition to that amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51 concerning the Judges of the Probate Courts Retirement Fund of Georgia.

HISTORY: Code 1981, § 15-21-112, enacted by Ga. L. 1992, p. 1836, § 1; Ga. L. 1994, p. 1800, § 8.

NOTES:

LAW REVIEWS. --For note on the 1994 amendment of this Code section, see 11 Ga. St. U.L. Rev. 166 (1994).

OPINIONS OF THE ATTORNEY GENERAL

SURCHARGE IS AN ADDITIONAL PENALTY to be added to the fine; no provision is made for assessment when bail or bond is posted. 1996 Op. Att'y Gen. No. U96-8.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-113. Assessment and collection of penalty; payment to Crime Victims Compensation Board; quarterly reports and accounting

The sums provided for in Code Section 15-21-112 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over by the last day of the following month to the Georgia Superior Court Clerks' Cooperative Authority for remittance to the Georgia Crime Victims Compensation Board to be deposited into the Georgia Crime Victims Emergency Fund. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, the Legislative Budget Office and the Senate Budget Office no later than 60 days after the last day of the preceding quarter.

HISTORY: Code 1981, § 15-21-113, enacted by Ga. L. 1992, p. 1836, § 1.

OPINIONS OF THE ATTORNEY GENERAL

PRIORITY OF DISBURSEMENT. --In the event of partial or installment payments of funds, they must be allocated proportionally between money attributable to the fine and to the surcharges, and the amount applicable to the surcharges allocated proportionally to the fund. 1996 Op. Att'y Gen. No. U96-8.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-114. Reserved.

HISTORY: Code 1981, § 15-21-114, enacted by Ga. L. 1992, p. 1836, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-115. Failure or refusal to remit sums due

Any person whose duty it is to collect and remit the sum provided for in this article who fails or refuses to so remit shall be guilty of a misdemeanor.

HISTORY: Code 1981, § 15-21-115, enacted by Ga. L. 1992, p. 1836, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

The Brain and Spinal Injury Trust Fund

O.C.G.A. § 15-21-140

BSITF

Kristen Vincent, Executive Director

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Fines and Fees Division

P. O. Box 29645

Atlanta, GA 30359

Statutes on Brain and Spinal Injury Trust Fund (BSITF)

O.C.G.A. § 15-21-140. Authorization of additional penalty assessments for violations involving driving under the influence

This article is enacted pursuant to Article III, Section IX, Paragraph VI(k) of the Constitution, which provision authorizes additional penalty assessments for violations relating to driving under the influence of alcohol or drugs and provides that the proceeds derived therefrom may be used for the purpose of meeting the costs of care and rehabilitative services for certain citizens of this state with brain or spinal cord injuries.

HISTORY: Code 1981, § 15-21-140, enacted by Ga. L. 1998, p. 667, § 1.

O.C.G.A. § 15-21-141. Definitions

As used in this article, the term:

(1) "Commission" means the Brain and Spinal Injury Trust Fund Commission created in Code Section 15-21-142.

(2) "Trust fund" means the Brain and Spinal Injury Trust Fund created by Code Section 15-21-148.

HISTORY: Code 1981, § 15-21-141, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 1.

O.C.G.A. § 15-21-142. Fund established

There is established the Brain and Spinal Injury Trust Fund Commission which is assigned to the Department of Human Resources for administrative purposes only, as prescribed in Code Section 50-4-3.

HISTORY: Code 1981, § 15-21-142, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 2.

O.C.G.A. § 15-21-143. Appointment of members and personnel; agencies

(a) The Brain and Spinal Injury Trust Fund Commission shall consist of 15 members who shall serve for terms of two years, except that with respect to the first members appointed, five members shall be appointed for a term of three years, five for a term of two years, and five for a term of one year. The following agencies may each appoint one member of the commission:

(1) The Division of Rehabilitation Services of the Department of Labor;

(2) The State Board of Education;

(3) The Department of Public Safety;

(4) The Department of Community Health; and

(5) The Department of Human Resources.

The remaining ten members of the commission shall be appointed by the Governor, seven of whom shall be citizens who have sustained brain or spinal cord injury or members of such persons' immediate families, no more than one of whom shall reside in the same geographic area of the state which constitutes a health district established by the Department of Human Resources. The Governor is authorized but not required to appoint the remaining three members from recommendations submitted by the Private Rehabilitation Suppliers of Georgia, the Georgia Hospital Association, the Brain Injury Association of Georgia, the Medical Association of Georgia, and the Georgia State Medical Association. The Governor shall also establish initial terms of office for all 15 members of the board within the limitations of this subsection.

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

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

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

(e) The commission, with the approval of the Governor, may employ such professional, technical, or clerical personnel as deemed necessary to carry out the purposes of this chapter.

HISTORY: Code 1981, § 15-21-143, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 1999, p. 296, § 24; Ga. L. 2000, p. 1137, § 3; Ga. L. 2001, p. 4, § 15; Ga. L. 2002, p. 528, § 3.

O.C.G.A. § 15-21-144. Expense allowance and travel reimbursement of members of the fund

Members of the commission shall serve without compensation but shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of the commission is in attendance at a meeting of such commission, plus either reimbursement for actual transportation costs while traveling by public carrier or the same mileage allowance for use of a personal car in connection with such attendance as members of the General Assembly receive. Such expense and travel allowance shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. Expense allowances and other costs authorized in this Code section shall be paid from moneys in the trust fund.

HISTORY: Code 1981, § 15-21-144, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 4.

O.C.G.A. § 15-21-145. Duties of the commission

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

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

(2) Maintain minutes of its meetings;

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

(4) Accept applications for disbursements of available money from the trust fund;

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

(6) Conform to the standards and requirements prescribed by the state auditor pursuant to Chapter 6 of Title 50.

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

HISTORY: Code 1981, § 15-21-145, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 5.

O.C.G.A. § 15-21-146. Recommendations of changes in state programs, statutes, policies, and budgets; standardization of care

The commission may recommend to the Governor and the General Assembly changes in state programs, statutes, policies, budgets, and standards relating to the care and rehabilitation of persons with brain or spinal cord injuries, improve coordination among state agencies that provide care and rehabilitative services, and improve the condition of citizens who are in need of rehabilitative services.

HISTORY: Code 1981, § 15-21-146, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 6.

O.C.G.A. § 15-21-147. Acceptance of federal funds; disposition

The commission may accept federal funds granted by Congress or executive order for the purposes of this article as well as gifts and donations from individuals, private organizations, or foundations. The acceptance and use of federal funds does not commit state funds and does not place an obligation upon the General Assembly to continue the purposes for which the federal funds are made available. All funds received in the manner described in this Code section shall be transmitted to the director of the Office of Treasury and Fiscal Services for deposit in the trust fund to be disbursed as other moneys in such trust fund.

HISTORY: Code 1981, § 15-21-147, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 7.

O.C.G.A. § 15-21-148. Creation of the Brain and Spinal Injury Trust Fund

(a) There is created the Brain and Spinal Injury Trust Fund as a separate fund in the state treasury. The director of the Office of Treasury and Fiscal Services shall credit to the trust fund all amounts transferred to such fund and shall invest the trust fund moneys in the same manner as authorized for investing other moneys in the state treasury.

(b) The commission may authorize the disbursement of available money from the trust fund, after appropriation thereof, for purposes of providing care and rehabilitative services to citizens of the state who have survived neurotrauma with head or spinal cord injuries, to a person, entity, or program eligible pursuant to criteria to be set by such commission. The commission may also authorize the disbursement of trust fund money for the actual and necessary operating expenses that the commission incurs in performing its duties; provided, however, that such disbursements shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money to provide care and rehabilitative services for persons with brain or spinal cord injuries.

(c) No funds shall be disbursed from the trust fund to any person, entity, or program or for any purpose authorized in subsection (b) of this Code section until approved by the Governor; provided, however, that the Governor may not authorize the disbursement of funds to a person, entity, or program which the commission has not recommended for a grant.

HISTORY: Code 1981, § 15-21-148, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 8.

O.C.G.A. § 15-21-149. Fines; penalties

(a) In every case in which any court in this state shall impose a fine, which shall be construed to include costs, for any violation of Code Section 40-6-391, relating to driving under the influence of alcohol or drugs, or for violations of ordinances of political subdivisions which have adopted by reference Code Section 40-6-391, there shall be imposed as an additional penalty a sum equal to 10 percent of the original fine.

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

HISTORY: Code 1981, § 15-21-149, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2000, p. 1652, § 1.

O.C.G.A. § 15-21-150. Collection of fines; disposition of moneys collected

The sums provided for in Code Section 15-21-149 shall be assessed and collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and shall be paid over by the last day of the following month to the **Georgia Superior Court Clerks' Cooperative Authority for remittance** to the Brain and Spinal Injury Trust Fund Commission created in Code Section 15-21-143, to be deposited into the Brain and Spinal Injury Trust Fund.

HISTORY: Code 1981, § 15-21-150, enacted by Ga. L. 1998, p. 667, § 1; Ga. L. 2002, p. 528, § 9.

O.C.G.A. § 15-21-151. Reserved.

History: Code 1981, § 15-21-151, enacted by Ga. L. 1998, p. 667, § 1

O.C.G.A. § 15-21-152. Duty to collect: misdemeanor

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

HISTORY: Code 1981, § 15-21-152, enacted by Ga. L. 1998, p. 667, § 1.

State General Fund

O.C.G.A. § 42-8-34.

SGF

(CLF)

Johnny Coldwell, Field Administrator

Dan Ebersole, Director

404-565-2168

Remit To:

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Fines and Fees Division

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Atlanta, GA 30359

Statutes on State General Fund (Crime Lab Fee)
(SGF) (CLF)

O.C.G.A. § 42-8-34. Hearings and determinations; referral of cases to probation supervisors; probation or suspension of sentence; payment of fine or costs; disposition of defendant prior to hearing; continuing jurisdiction; transferal of probation supervision; probation fee

(a) Any court of this state which has original jurisdiction of criminal actions, except juvenile courts, municipal courts, and probate courts, in which the defendant in a criminal case has been found guilty upon verdict or plea or has been sentenced upon a plea of nolo contendere, except for an offense punishable by death or life imprisonment, may, at a time to be determined by the court, hear and determine the question of the probation of such defendant.

(b) Prior to the hearing, the court may refer the case to the probation supervisor of the circuit in which the court is located for investigation and recommendation. The court, upon such reference, shall direct the supervisor to make an investigation and to report to the court, in writing at a specified time, upon the circumstances of the offense and the criminal record, social history, and present condition of the defendant, together with the supervisor's recommendation; and it shall be the duty of the supervisor to carry out the directive of the court.

(c) Subject to the provisions of subsection (a) of Code Section 17-10-1 and subsection (f) of Code Section 17-10-3, if it appears to the court upon a hearing of the matter that the defendant is not likely to engage in a criminal course of conduct and that the ends of justice and the welfare of society do not require that the defendant shall presently suffer the penalty imposed by law, the court in its discretion shall impose sentence upon the defendant but may stay and suspend the execution of the sentence or any portion thereof or may place him on probation under the supervision and control of the probation supervisor for the duration of such probation. The period of probation or suspension shall not exceed the maximum sentence of confinement which could be imposed on the defendant.

(d)(1) In every case that a court of this state or any other state sentences a defendant to probation or any pretrial release or diversion program under the supervision of the department, in addition to any fine or order of restitution imposed by the court, there shall be imposed a probation fee as a condition of probation, release, or diversion in the amount equivalent to \$23.00 per each month under supervision, and in addition, a one-time fee of \$50.00 where such defendant was convicted of any felony. The probation fee may be waived or amended after administrative process by the department and approval of the court, or upon determination by the court, as to the undue hardship, inability to pay, or any other extenuating factors which prohibit collection of the fee; provided, however, that the imposition of sanctions for failure to pay fees shall be within the discretion of the court through judicial process or hearings. Probation fees shall be waived on probationers incarcerated or detained in a departmental or other confinement facility which prohibits employment for wages. All probation fees collected by the department shall be paid into the general fund of the state treasury, except as provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia Crime Victims Emergency Fund. Any fees collected by the court under this paragraph shall be remitted no later than the last day of the month after such fee is collected to the Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.

(2) In addition to any other provision of law, any person convicted of a violation of Code Section 40-6-391 or subsection (b) of Code Section 16-13-2 who is sentenced to probation or a suspended sentence by a municipal, magistrate, probate, recorder's, mayor's, state, or superior court shall also be required by the court to pay a one-time fee of \$25.00. The clerk of court, or if there is no clerk the person designated to collect fines, fees, and forfeitures for such court, shall collect such fee and remit the same not later than the last day of the month after such fee is collected to the Georgia Superior Court Clerks' Cooperative Authority for deposit into the general fund of the state treasury.

(e) The court may, in its discretion, require the payment of a fine or costs, or both, as a condition precedent to probation.

(f) During the interval between the conviction or plea and the hearing to determine the question of probation, the court may, in its discretion, either order the confinement of the defendant without bond or may permit his release on bond, which bond shall be conditioned on his appearance at the hearing and shall be subject to the same rules as govern appearance bonds. Any time served in confinement shall be considered a part of the sentence of the defendant.

(g) The sentencing judge shall retain jurisdiction over any person placed on probation. The judge is empowered to revoke any or all of the probated sentence, rescind any or all of the sentence, or, in any manner deemed advisable by the judge, to modify or change the probated sentence at any time during the period of time prescribed for the probated sentence to run.

(h) Notwithstanding any provision of this Code or any rule or regulation to the contrary, if a defendant is placed on probation in a county of a judicial circuit other than the one in which he resides for committing any misdemeanor offense, such defendant may, when specifically ordered by the court, have his probation supervision transferred to the judicial circuit of the county in which he resides.

HISTORY: Code 1933, § 27-2702; Ga. L. 1939, p. 285, § 4; Ga. L. 1941, p. 481, § 1; Ga. L. 1950, p. 352, §§ 1, 2; Ga. L. 1956, p. 27, § 8; Ga. L. 1958, p. 15, § 8; Ga. L. 1960, p. 1148, § 1; Ga. L. 1972, p. 604, § 7; Ga. L. 1980, p. 1136, § 1; Ga. L. 1988, p. 988, § 1; Ga. L. 1989, p. 381, §§ 2, 3; Ga. L. 1992, p. 3221, § 5; Ga. L. 1993, p. 426, § 1; Ga. L. 1998, p. 840, § 2; Ga. L. 1999, p. 1271, § 1; Ga. L. 2000, p. 1643, § 2; Ga. L. 2001, p. 4, § 42; Ga. L. 2001, p. 94, § 6.

NOTES:

THE 1998 AMENDMENT, effective July 1, 1998, in subsection (d), substituted "\$23.00" for "\$20.00" and added ", except as provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia Crime Victims Emergency Fund" to the end of that subsection.

THE 1999 AMENDMENT, effective July 1, 1999, and applicable to sentences entered on or after July 1, 1999, in subsection (d), designated the existing provisions as paragraph (1) and added the language beginning with ", and in addition," at the end of the first sentence of that paragraph, and added paragraph (2).

THE 2000 AMENDMENT, effective January 1, 2001, in subsection (d), deleted "\$25.00 to be imposed where such defendant was convicted of a violation of Code Section 40-6-391 or subsection (b) of Code Section 16-13-2, or" following "a one-time fee of" in the first sentence of paragraph (1), and substituted "state, or superior court" for "or state court" in the first sentence of paragraph (2).

THE 2001 AMENDMENTS. --The first 2001 amendment, effective February 12, 2001, part of an Act to revise, modernize, and correct the Code, substituted "subsection (f)" for "subsection (g)" in the first sentence in subsection (c). The second 2001 amendment, effective July 1, 2001, in subsection (g), in the first sentence, substituted "retain" for "not lose" near the beginning and deleted "during the term of his probated sentence" following "probation" at the end, and, in the second sentence, deleted "originally" preceding "prescribed" near the end.

CROSS REFERENCES. --Sentence and punishment generally, Ch. 10, T. 17. Abandonment of child generally, Ch. 10, T. 19. Suspension of sentence in abandonment cases, § 19-10-1(j).

EDITOR'S NOTES. --Ga. L. 2001, p. 94, § 1, not codified by the General Assembly, provides that: "This Act shall be known and may be cited as the "2001 Crime Prevention Act."

LAW REVIEWS. --For article, "A Review of Georgia's Probation Laws," see 6 Ga. St. B.J. 255 (1970).

For note on the 2001 amendment to O.C.G.A. § 42-8-34, see [18 Ga. St. U. L. Rev. 47 \(2001\)](#).

JUDICIAL DECISIONS

AUTHORITY OF PRIVATE PROBATION OFFICER. --Probation officer who was an employee of a private corporation retained to provide probation supervision services in misdemeanor cases pursuant to O.C.G.A. § 42-8-100(f)(1) was still an officer of the court and could file a petition to revoke defendant's probation on a misdemeanor shoplifting charge; probation officer's action did not constitute the practice of law let alone the unauthorized practice of law. [Huzzie v. State, 253 Ga. App. 225, 558 S.E.2d 767 \(2002\)](#).

CONDITION PRECEDENT TO PROBATION

PAYMENT OF FINE AS CONDITION PRECEDENT. --A condition of sentence to be served on probation may include the immediate payment of a fine. Such a sentence does not violate the due process and equal protection clause of U.S. Const., Amend. 14. [Hunter v. Dean, 240 Ga. 214, 239 S.E.2d 791 \(1977\)](#), cert. dismissed, [439 U.S. 281, 99 S. Ct. 712, 58 L. Ed. 2d 520 \(1978\)](#), overruled on other grounds, [Massey v. Meadows, 253 Ga. 389, 321 S.E.2d 703 \(1984\)](#).

ABILITY OF DEFENDANT TO PAY FINE. --**Because the ability of a defendant to pay a fine is often a factor for the sentencing judge to consider in assessing the likelihood that the defendant will serve a term of probation without violation, a conditionally probated sentence is not necessarily invidious discrimination based on wealth if the sentencing judge has determined that the defendant would not be a good candidate for probation unless a fine is paid first.** [Hunter v. Dean, 240 Ga. 214, 239 S.E.2d 791 \(1977\)](#), cert. dismissed, [439 U.S. 281, 99 S. Ct. 712, 58 L. Ed. 2d 520 \(1978\)](#), overruled on other grounds, [Massey v. Meadows, 253 Ga. 389, 321 S.E.2d 703 \(1984\)](#).

A condition of probation which stipulated that the defendant pay a fine "as and when directed by probation officer" without having held a hearing on his indigency did not violate this section, since payment of the fine was not a condition precedent to the entry upon probation. [Whitehead v. State, 207 Ga. App. 891, 429 S.E.2d 536 \(1993\)](#).

Children's Trust Fund

O.C.G.A. § 19-14-20.

CTF

Sean Phillips, Executive Director
Phone: 404-206-6035

Remit To:

GSCCCA
Fines and Fees Division
P.O. Box 29645
Atlanta, GA 30359

Statutes on Children's Trust Fund (CTF)

O.C.G.A. § 19-14-20. (Repealed effective July 1, 2010) Creation

The State Children's Trust Fund is created as a separate fund in the state treasury. The fund shall be expended only as provided in this chapter.

HISTORY: Code 1981, § 19-14-20, enacted by Ga. L. 1987, p. 1133, § 1.

NOTES:

EDITOR'S NOTES. --See the editor's notes following the chapter heading.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Powers and duties of Department of Human Resources, county boards of health, etc., regarding family-planning services, Ch. 7, T. 49.

CODE COMMISSION NOTES. --Section 1 of Ga. L. 1979, p. 466, provides that no contract made or judgment, order, or decree rendered prior to April 4, 1979, should be overturned, modified, or disturbed by reason of the 1979 Act and that no such contract, judgment, order, or decree should be overturned, modified, or disturbed except to the extent absolutely required by the Constitution of this state or of the United States. The section also provides that nothing in the 1979 Act shall be construed to prohibit modification of judgments, decrees, or orders to the extent such modification is expressly authorized by statute, and that nothing in the Act shall be construed to authorize any court to entertain any claim of constitutional right, which claim is barred because it was not timely raised in any previous judicial proceeding.

Section 49 of the 1979 Act provides that the Act shall govern all proceedings and actions brought after it takes effect and also all further proceedings in actions then pending.

The following sections were affected by the 1979 Act: §§ 19-3-9, 19-3-10, 19-5-7, 19-5-12, 19-5-17, 19-6-1, 19-6-2, 19-6-3, 19-6-4, 19-6-5, 19-6-6, 19-6-7, 19-6-8, 19-6-9, 19-6-10, 19-6-13, 19-6-14, 19-6-15, 19-6-16, 19-6-17, 19-6-18, 19-6-19, 19-6-20, 19-6-21, 19-6-22, 19-6-23, 19-6-24, 19-6-26, 19-6-27, 19-7-1, 19-7-2, 19-7-24, 19-9-2, 19-11-42, 19-11-43.

LAW REVIEWS. --For annual survey on domestic relations, see 36 Mercer L. Rev. 167 (1984). For article surveying domestic relations law in 1984-1985, see 37 Mercer L. Rev. 221 (1985). For annual survey of domestic relations law, see 39 Mercer L. Rev. 199 (1987). For annual survey of law of domestic relations, see 40 Mercer L. Rev. 211 (1988). For annual survey article on domestic relations law, see [45 Mercer L. Rev. 215 \(1993\)](#). For annual survey article on domestic relations law, see [46 Mercer L. Rev. 223 \(1994\)](#). For annual survey article on domestic relations, see [50 Mercer L. Rev. 217 \(1998\)](#). For annual survey article discussing developments in domestic relations law, see [51 Mercer L. Rev. 263 \(1999\)](#). For annual survey article discussing developments in domestic relations law, see [52 Mercer L. Rev. 213 \(2000\)](#).

For annual survey article on domestic relations law, see [49 Mercer L. Rev. 135 \(1997\)](#).

RESEARCH REFERENCES

ALR. --Family court jurisdiction to hear contract claims, [46 ALR5th 735](#).

Pre-emptive effect of Employee Retirement Income Security Act (ERISA) provisions ([29 USCS §§ 1056\(d\)\(3\)](#), [1144\(a\)](#), and [1144\(b\)\(7\)](#)) with respect to orders entered in domestic relations proceedings, [116 ALR Fed. 503](#).

NOTES APPLICABLE TO ENTIRE CHAPTER

EDITOR'S NOTES. --Section 6 of Ga. L. 1987, p. 1133, not codified by the General Assembly, effective July 1, 1987, repealed this chapter effective July 1, 1995.

Ga. L. 1994, p. 509, § 8, not codified by the General Assembly, amends Ga. L. 1987, p. 1133, § 6 to change the date of repeal from July 1, 1995, to July 1, 2000.

Ga. L. 1999, p. 520, § 1, not codified by the General Assembly, amends Ga. L. 1987, p. 1133, § 6 to change the date of repeal from July 1, 2000, to July 1, 2010.

NOTES APPLICABLE TO ENTIRE ARTICLE

EDITOR'S NOTES. --See the editor's notes following the chapter heading.

O.C.G.A. § 19-14-21. (Repealed effective July 1, 2010) Source of funds

The director of the Office of Treasury and Fiscal Services shall credit to the trust fund all amounts appropriated or donated to such trust fund. All funds appropriated to or otherwise paid into the trust fund shall be presumptively concluded to have been committed to the purpose for which they have been appropriated or paid and shall not lapse.

HISTORY: Code 1981, § 19-14-21, enacted by Ga. L. 1987, p. 1133, § 1; Ga. L. 1993, p. 1402, § 18; Ga. L. 1994, p. 509, § 5.

NOTES:

EDITOR'S NOTES. --See the editor's notes following the chapter heading.

JUDICIAL DECISIONS

CONSTITUTIONALITY. --This section is part of an enrolled Act conclusively presumed to have been enacted in accordance with constitutional requirements; although subsection (b) is invalid because it violates the proscription against "earmarked" taxes it does not invalidate the remainder of the section; and this section does not violate the constitutional prohibition against bills referring to more than one subject matter because it only refers to one matter. [Collins v. Woodham, 257 Ga. 643, 362 S.E.2d 61 \(1987\)](#).

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title

O.C.G.A. § 15-9-60.1. (Repealed effective July 1, 2010) Additional marriage license fee for Children's Trust Fund

Said title 15 is further amended by striking Code Section 15-9-60.1. relating to additional marriage license fees, and inserting in its place a new Code section to read as follows:

O.C.G.A 15-9-60.1.

(a) In addition to any fees required in Code Section 15-9-60 for receiving marriage applications, issuing marriage licenses, and recording relative thereto, the judge of the probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement Fund of Georgia provided for in Chapter 11 of Title 47 or be used for the purpose of calculating retirement benefits for judges of the probate courts. Each judge of the probate court shall collect the additional fees for issuing marriage licenses as provided in this Code section and shall pay such moneys over to the Georgia Superior Court Clerk's Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget and the Legislative Budget Office, and the Senate Budget Office no later than 60 days after the last day of the preceding quarter.

HISTORY: Code 1981, § 15-9-60.1, enacted by Ga. L. 1987, p. 1133, § 3; Ga. L. 1988, p. 13, § 15.

NOTES:

CROSS REFERENCES. --Designating amount of additional marriage license fees for Children's Trust Fund, § 19-14-21.

EDITOR'S NOTES. --Ga. L. 1987, p. 1133, § 6 not codified by the General Assembly, repeals this Code section effective July 1, 1995.

Ga. L. 1994, p. 509, § 8, not codified by the General Assembly, amends Ga. L. 1987, p. 1133, § 6, to change the date of repeal from July 1, 1995, to July 1, 2000.

Ga. L. 1999, p. 520, § 1, not codified by the General Assembly, amends Ga. L. 1987, p. 1133, § 6 to change the date of repeal from July 1, 2000, to July 1, 2010.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-6-77.4. (Repealed effective July 1, 2010) Additional divorce case filing fee for Children's Trust Fund

(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce cases as provided in this Code section and shall pay such moneys over to the commissioner of revenue by the last day of the month there following, to be deposited by him into the

general treasury. The commissioner of revenue shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget and the Legislative Budget Office no later than 30 days after the last day of the preceding quarter.

(b) When any such person whose duty it is to collect and pay over such moneys fails to remit the sums within 60 days of the date they are required to be paid over, the same shall be delinquent and there may be imposed, in addition to the principal amount due, a specific penalty in the amount of 5 percent of said principal amount per month for each month during which the money is continued to be delinquent, not to exceed a total of 25 percent of the principal amount.

(c) The sums provided for in this Code section shall be collected in accordance with the provision of subsection (b) of Code Section 15-6-77.

HISTORY: Code 1981, § 15-6-77.4, enacted by Ga. L. 1987, p. 1133, § 2; Ga. L. 1988, p. 13, § 15; Ga. L. 1991, p. 1324, § 2.

NOTES:

CROSS REFERENCES. --Designating amount of additional divorce case filing fees for Children's Trust Fund, § 19-14-21.

EDITOR'S NOTES. --Section 6 of Ga. L. 1987, p. 1133, not codified by the General Assembly, repeals this Code section effective July 1, 1995.

Ga. L. 1994, p. 509, § 8, not codified by the General Assembly, amends Ga. L. 1987, p. 1133, § 6, to change the date of repeal from July 1, 1995, to July 1, 2000.

Ga. L. 1999, p. 520, § 1, not codified by the General Assembly, amends Ga. L. 1987, p. 1133, § 6, to change the date of repeal from July 1, 2000, to July 1, 2010.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

County Jail Fund

O.C.G.A. § 15-21-91

JAIL

Please contact your local governing authority
or your county's Superior Court Clerk with
questions regarding this fund.

Statutes on Jail Funds

(JAIL)

O.C.G.A. § 15-21-91. Implementation of constitutional provision

This article is enacted pursuant to Article III, Section IX, Paragraph VI of the Constitution of Georgia, which provision authorizes additional penalty assessments in criminal and traffic cases and cases involving violations of ordinances of political subdivisions and provides that the proceeds derived therefrom may be used for constructing, operating, and staffing of jails, correctional institutions, and detention facilities by counties.

HISTORY: Code 1981, § 15-21-91, enacted by Ga. L. 1989, p. 1753, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-92. Adoption of county resolution required; contracts between county and municipality after January 1, 1990

The additional penalties provided for in Code Section 15-21-93 shall not be imposed or collected in any court in any county until the governing authority of the county or counties adopts a resolution placing this article in effect, requiring the imposition and collection of such additional penalties, and agreeing to expend the funds collected for the purposes provided for in this article. The additional penalties provided for in Code Section 15-21-93 shall not be imposed or collected in any municipal court or other court operated by a municipality unless the municipality and county enter into an intergovernmental contract after January 1, 1990, providing for use of the county jail, correctional institution, or detention facility by municipal prisoners.

HISTORY: Code 1981, § 15-21-92, enacted by Ga. L. 1989, p. 1753, § 1; Ga. L. 1990, p. 8, § 15.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-93. Imposition of additional penalty in fine cases; additional sum required when posting bail or bond

(a) (1) In every case in which any superior court, state court, probate court, magistrate court, municipal court, or other court in any county or municipality in which this article has been placed in effect as provided in Code Section 15-21-92 shall impose a fine, which shall be construed to include costs, for any offense against a criminal or traffic law of this state or any ordinance of a political subdivision thereof, there shall be imposed as an additional penalty a sum equal to 10 percent of the original fine.

(2) At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this state or ordinance of a political subdivision thereof, an additional sum equal to 10 percent of the original amount of bail or bond shall be posted. In every case in which any superior court, state court, probate court, magistrate court, municipal court, or other court shall order the forfeiture of bail or bond, the additional sum equal to 10 percent of the original bail or bond shall be paid over as provided in Code Section 15-21-94.

(b) Such sums required by subsection (a) of this Code section shall be in addition to that amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51 concerning the Judges of the Probate Courts Retirement Fund of Georgia.

HISTORY: Code 1981, § 15-21-93, enacted by Ga. L. 1989, p. 1753, § 1.

NOTES:

CROSS REFERENCES. --Assessment of costs in criminal cases, Uniform Superior Court Rules, Rule 36.15.

JUDICIAL DECISIONS

SURCHARGES. --Surcharges of \$1,000 on a \$10,000 fine, applied for jail construction and maintenance, did not exceed the statutory maximum of the total fine and were not illegal. [Phillips v. State, 236 Ga. App. 744, 512 S.E.2d 32 \(1999\).](#)

OPINIONS OF THE ATTORNEY GENERAL

ADDITIONAL FEE UNDER PARAGRAPH (2) OF SUBSECTION (A). --The additional 10 percent sum authorized by paragraph (2) of subsection (a) is mandatory. The provisions of this statute should not be applied, however, except to bail or bond posted by an individual who has been adjudged guilty. The fee on bail or bond should be applied in all applications for bail or bond made after January 1, 1990, regardless of the date upon which the offense was committed. 1990 Op. Att'y Gen. No. U90-4.

SURCHARGE IS AN ADDITIONAL PENALTY to be added to the fine and to the amount of any bail or bond established by the court. 1996 Op. Att'y Gen. No. U96-8.

REDUCTION ON CITY'S INMATE HOUSING BILL. --The Jail Construction and Staffing Act does not prohibit a county from considering a reduction on a city's inmate housing bill in the amount equivalent to the required 10 percent add on monies paid to the county. 1998 Op. Att'y Gen. No. U98-7.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-94. Assessment and collection of sums; deposit into county jail fund; failure to remit sums

(a) The sums provided for in Code Section 15-21-93 shall be assessed and collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and

forfeited bonds and shall be paid over to the governing authority of the county in which the court is located or, in the case of a municipality which has contracted for jail services, to the governing authority of the county with which the municipality has contracted by the tenth day of the month following the month in which such sums are collected. Such sums paid over to the governing authority shall be deposited by the governing authority into a special account to be known as the "county jail fund."

(b) Any person whose duty it is to collect and remit the sums provided for in this article who fails or refuses to remit such sums by the date required by this article shall be guilty of a misdemeanor.

HISTORY: Code 1981, § 15-21-94, enacted by Ga. L. 1989, p. 1753, § 1; Ga. L. 1992, p. 994, § 1; Ga. L. 1992, p. 2065, § 1.

OPINIONS OF THE ATTORNEY GENERAL

PRIORITY OF DISBURSEMENT. --In the event of partial or installment payments of funds, they must be allocated proportionally between money attributable to the fine and to the surcharges, and the amount applicable to the surcharges allocated proportionally to the fund. 1996 Op. Att'y Gen. No. U96-8.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-95. Expenditure of moneys

Moneys collected pursuant to this article and placed in the county jail fund shall be expended by the governing authority of the county or counties solely and exclusively for constructing, operating, and staffing county jails, county correctional institutions, and detention facilities of the county or for the purpose of contracting for such facilities with other counties, the state, municipalities, regional jail authorities, or other political subdivisions as authorized by Article IX, Section III, Paragraph I of the Constitution. The county jail fund and moneys collected pursuant to this article to be placed in the county jail fund may be pledged as security for the payment of bonds issued for the construction of county jails, county correctional institutions, detention facilities of the county or counties, and jails constructed and operated by regional jail authorities. This article shall not preclude the appropriation or expenditure of other funds by the governing authority of any county or by the General Assembly for the purpose of constructing, operating, or staffing jails, correctional institutions, and detention facilities.

HISTORY: Code 1981, § 15-21-95, enacted by Ga. L. 1989, p. 1753, § 1; Ga. L. 1995, p. 285, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

Drug Abuse Treatment and Education Fund

O.C.G.A. § 15-21-100

DATE

Please contact your local governing authority
or your county's Superior Court Clerk with
questions regarding this fund.

Statutes on Drug Abuse Treatment and Education (DATE)

O.C.G.A. § 15-21-100. Imposition of additional penalty for offenses prohibited by Code Section 16-13-30, 16-13-30.1, or 16-13-31

(a) In every case in which any court shall impose a fine, which shall be construed to include costs, for any offense prohibited by Code Section 16-13-30, 16-13-30.1, or 16-13-31, which offenses relate to certain activities regarding marijuana, controlled substances, and noncontrolled substances, there shall be imposed as an additional penalty a sum equal to 50 percent of the original fine.

(b) The sums required by subsection (a) of this Code section shall be in addition to the amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51 concerning the Judges of the Probate Courts Retirement Fund of Georgia.

HISTORY: Code 1981, § 15-21-100, enacted by Ga. L. 1990, p. 2018, § 1; Ga. L. 1994, p. 97, § 15.

JUDICIAL DECISIONS

FEE NOT AUTHORIZED ON DRUG CONVICTION. --Upon conviction of a defendant of possession of cocaine with intent to distribute, the trial court was without authority to impose a fine, penalty fee and D.A.T.E. fee; the penalty for the offense does not include monetary fines. [Rawls v. State, 210 Ga. App. 408, 436 S.E.2d 527 \(1993\).](#)

CITED in [Hermann v. State, 249 Ga. App. 535, 548 S.E.2d 666 \(2001\).](#)

OPINIONS OF THE ATTORNEY GENERAL

APPLICABLE TO DRUG-RELATED FELONIES AND CONVICTIONS. --The additional penalties called for in this Code section and § 40-5-75 are to be imposed upon convictions for drug-related felonies and misdemeanors. 1990 Op. Att'y Gen. No. U90-21.

APPLICABLE TO CRIMINAL CONDUCT OCCURRING ON OR AFTER JULY 1, 1990. --This Code section can only be applied to criminal conduct which occurred on or after July 1, 1990. 1990 Op. Att'y Gen. No. U90-23.

COURT COSTS INCLUDED IN ORIGINAL FINE. --In imposing the additional penalty pursuant to subsection (a), court costs should be included in determining the amount of the original fine. 1996 Op. Att'y Gen. No. U96-14.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Establishment of county law libraries, § 15-36-1 et seq. Study of criminal justice needs of state by Georgia Criminal Justice Improvement Council, § 28-8-1 et seq. Criminal Justice Coordinating Council, § 35-6A-1 et seq. Court-martial jurisdiction, § 38-2-370 et seq. Designation of courts which possess jurisdiction over traffic offenses, and

procedure in such courts, § 40-13-1 et seq. Indictment, punishment, etc., of judge of probate court for malpractice, partiality, conduct unbecoming office, etc., § 45-11-4.

§ 15-21-101. Collection of fines and authorized expenditures of funds from County Drug Abuse Treatment and Education Fund

(a) The sums provided for in Code Section 15-21-100 shall be collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over to the governing authority of the county in which the court is located upon receipt of the fine and assessment if paid in full at the time of sentencing or upon receipt of the final payment if the fine is paid in installments. Those sums paid over to the governing authority shall be deposited thereby into a special account to be known as the "County Drug Abuse Treatment and Education Fund."

(b) Moneys collected pursuant to this article and placed in the "County Drug Abuse Treatment and Education Fund" shall be expended by the governing authority of the county for which the fund is established solely and exclusively for drug abuse treatment and education programs relating to controlled substances and marijuana. This article shall not preclude the appropriation or expenditure of other funds by the governing authority of any county or by the General Assembly for the purpose of drug abuse treatment or education programs.

HISTORY: Code 1981, § 15-21-101, enacted by Ga. L. 1990, p. 2018, § 1.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

Local Victim Assistance Programs

O.C.G.A. § 15-21-130

LVAP

Remit to:

GSCCCA

Fines and Fees Division

P. O. Box 29645

Atlanta, GA 30359

Statutes on Local Victim Assistance Programs (LVAP)

O.C.G.A. § 15-21-130. Legislative intent

It is the intent of this article to provide funding for local victim assistance programs.

HISTORY: Code 1981, § 15-21-130, enacted by Ga. L. 1995, p. 260, § 3.

NOTES APPLICABLE TO ENTIRE TITLE

CROSS REFERENCES. --Establishment of county law libraries, § 15-36-1 et seq. Study of criminal justice needs of state by Georgia Criminal Justice Improvement Council, § 28-8-1 et seq. Criminal Justice Coordinating Council, § 35-6A-1 et seq. Court-martial jurisdiction, § 38-2-370 et seq. Designation of courts which possess jurisdiction over traffic offenses, and procedure in such courts, § 40-13-1 et seq. Indictment, punishment, etc., of judge of probate court for malpractice, partiality, conduct unbecoming office, etc., § 45-11-4.

NOTES APPLICABLE TO ENTIRE ARTICLE

LAW REVIEWS. --For note on the 1995 enactment of this article, see 12 Ga. St. U.L. Rev. 89 (1995).

O.C.G.A. § 15-21-131. Imposition of additional fines

(a) In every case in which any court of this state or any municipality or political subdivision of this state shall impose a fine, which shall be construed to include costs, for any criminal offense or any criminal ordinance violation, there shall be imposed as an additional penalty a sum equal to 5 percent of the original fine.

(b) Such sums shall be in addition to any amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund and in addition to any other amounts provided for in this chapter.

HISTORY: Code 1981, § 15-21-131, enacted by Ga. L. 1995, p. 260, § 3; Ga. L. 1997, p. 551, § 1.

OPINIONS OF THE ATTORNEY GENERAL

TRAFFIC OFFENSES. --Imposition of the five percent additional penalty includes chargeable traffic offenses. 1997 Op. Att'y Gen. No. U97-28.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-132. Assessment and collection of additional sums; reporting; approval of victim assistance programs

(a) The sums provided for in Code Section 15-21-131 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over on to the Georgia Superior Court Clerks' Cooperative Authority by the end of the month after the collection. The net proceeds shall be distributed by such authority as follows:

(1) If the county where the fine was imposed operates or participates in any victim assistance program certified by the Criminal Justice Coordinating Council, then the moneys shall be paid over to the governing authority of the county for disbursement to those victim assistance programs; or

(2) If the county where the fine was imposed does not operate or participate in any victim assistance program certified by the Criminal Justice Coordinating Council, then the moneys shall be paid over to the district attorney of the judicial circuit in which the county is located for the purpose of defraying the costs of victim assistance activities carried out by the district attorney's office. Such funds shall be paid over in the same manner as other county funds paid for operations of the district attorney's office and shall be in addition to rather than in lieu of any other such funds.

All such funds shall be paid to the recipients by the last day of the month in which the funds are received; provided, however, that the governing authority of the county shall be authorized to hold as reserve funds an amount not to exceed 5 percent of the funds received by the governing authority in the preceding calendar year.

(b) The Georgia Superior Court Clerks' Cooperative Authority shall receive and distribute the funds collected pursuant to this Code section to the county governing authorities and shall submit a financial report to the Criminal Justice Coordinating Council each month stating the amount collected and the amount disbursed to each county governing authority no later than the last day of the month following the month in which the funds were collected.

(c) The county governing authority receiving funds shall submit a financial report to the Criminal Justice Coordinating Council semiannually stating the recipients that directly received funds during such reporting period no later than the last day of the month following the reporting period in which the funds were collected in order to allow coordination of local, state, and federal funding sources for similar services. The Criminal Justice Coordinating Council shall report annually to the General Assembly the county governing authorities that failed to submit semiannual reports during the previous calendar year.

(d) All recipients of funds pursuant to this Code section shall submit an annual report to the Criminal Justice Coordinating Council. Such report shall include, but not be limited to, the total amount of funds received from each county governing authority, the purposes for which the funds were expended, and the total number of victims served in each county for which the funds were received. A copy of each recipient's annual report shall also be submitted to each county governing authority from which funds were received pursuant to this Code section.

(e) The Criminal Justice Coordinating Council shall promulgate rules governing the certification of victim assistance programs. The rules shall provide for the approval of programs which are designed to provide substantial assistance to victims of crime in understanding and dealing with the criminal justice system as it relates to the crimes committed against them. It is the intention of the General Assembly that certification shall be liberally granted so as to encourage local innovations in the development of victim assistance programs.

(f) The Criminal Justice Coordinating Council shall promulgate rules governing the revocation of certification of victim assistance programs. Such rules shall provide for the decertification of programs previously certified by the Criminal Justice Coordinating Council that are no longer in compliance with the rules promulgated by the Criminal Justice Coordinating Council pursuant to this Code section.

(g) Moneys arising from fines imposed pursuant to Code Section 15-21-131 shall not be paid to any victim assistance program that has not been certified by the Criminal Justice Coordinating Council or to any program that has been decertified by such council."

HISTORY: Code 1981, § 15-21-132, enacted by Ga. L. 1995, p. 260, § 3; Ga. L. 2000, p. 1359, § 1.

NOTES:

THE 2000 AMENDMENT, effective July 1, 2000, added subsection (a.1).

CROSS REFERENCES. --Criminal Justice Coordinating Council, § 35-6A-1 et seq.

LAW REVIEWS. --For note on 2000 amendment of O.C.G.A. § 15-21-132, see [17 Ga. St. U.L. Rev. 68 \(2000\)](#).

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-21-133. Reserved

HISTORY: Code 1981, § 15-21-133, enacted by Ga. L. 1995, p. 260, § 3.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

Alternative Dispute Resolution Programs

O.C.G.A. § 15-23-7

ADR

Please contact your local governing authority
or your county's Superior Court Clerk with
questions regarding this fund.

Statutes on Alternative Dispute Resolution (ADR)

O.C.G.A. § 15-23-7. Collection of additional legal costs in civil actions for purposes of providing court-connected or court-referred alternative dispute resolution programs

(a) For the purposes of providing court-connected or court-referred alternative dispute resolution programs, a sum not to exceed \$7.50, in addition to all other legal costs, may be charged and collected in each civil action or case filed in the superior, state, probate, and magistrate courts and other courts within the county that have the same powers and jurisdiction as state or magistrate courts.

(b) A case, within the meaning of this Code section, shall mean and be construed as any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned, whether such matter is contested or not.

(c) The amount, if any, to be collected in each case shall be fixed in an amount not to exceed the applicable amount set out in subsection (a) of this Code section by the chief judge of the superior court or, if there is no chief judge, by the superior court judge with the longest service, who shall, after advising and notifying the chairperson of the county governing authority, order the clerk to collect said fees and remit them to the treasurer of the county fund for the administration of alternative dispute resolution programs. No such additional costs shall be charged and collected unless the chief judge of the superior court or such chief judge's designee, or if there is no chief judge, the superior court judge with the longest service or such judge's designee first determines that a need exists for an alternative dispute resolution program in one or more of the courts within the county. The chief judge of the superior court or the designee of the chief judge or, if there is no chief judge, the superior court judge with the longest service or the designee of such judge may propose, as to a given court, the collection of an amount exceeding \$7.00, but in no event to exceed the applicable amount set out in subsection (a) of this Code section; provided, however, that approval of the board member representing the affected court is necessary before imposition upon litigants of that court of costs authorized by this chapter exceeding \$7.00.

(d) The clerk of each and every such court in such counties shall collect such fees and remit the same to the treasurer of the board of the county in which the case was brought, on the first day of each month. No change in the amount collected pursuant to this Code section may be made within a period of 12 months from the date of a previous change.

(e) Juvenile court supervision fees collected pursuant to Code Section 15-11-71 may be used for mediation services provided by court programs pursuant to this chapter.

HISTORY: Code 1981, § 15-23-7, enacted by Ga. L. 1993, p. 1529, § 1; Ga. L. 1997, p. 874, § 4; Ga. L. 1998, p. 128, § 15; Ga. L. 2000, p. 20, § 4.

NOTES:

THE 2000 AMENDMENT, effective July 1, 2000, substituted "Code Section 15-11-71" for "Code Section 15-11-56.1" in subsection (e).

CODE COMMISSION NOTES. --Pursuant to Code Section 28-9-5, in 1997, a comma was deleted following "each case" in the first sentence of subsection (c).

OPINIONS OF THE ATTORNEY GENERAL

APPLICABILITY OF ALTERNATIVE DISPUTE RESOLUTION FEES TO CHILD SUPPORT RECOVERY ACTIONS. --Civil actions brought pursuant to the Child Support Recovery Act, O.C.G.A. § 19-11-1 et seq., are subject to the fee imposed under this section to support alternative dispute resolution programs, but the state, its agencies, and political subdivisions should not be compelled to make advance payment of the fee which should ordinarily be collected from the child support obligor upon the conclusion of the action. 1994 Op. Att'y Gen. No. U94-7.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

O.C.G.A. § 15-23-8. Funds; deposit into special account; expenditure and investment; audits

(a) The board shall have control of the funds provided for in this chapter. All funds received shall be deposited in a special account to be known as the County Fund for the Administration of Alternative Dispute Resolution Programs. The board shall have authority to expend the funds in accordance with this chapter and to invest any of the funds so received in any investments which are legal investments for fiduciaries in this state.

(b) Boards shall comply with and be subject to the audit requirements of Code Section 36-81-7.

HISTORY: Code 1981, § 15-23-8, enacted by Ga. L. 1993, p. 1529, § 1; Ga. L. 1997, p. 874, § 4.

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title

(Juvenile Court as referenced)

O.C.G.A. § 15-11-71. Supervision fees

(a) The purpose of this Code section is to allow the juvenile courts of Georgia to collect supervision fees from those who are placed under the courts' formal or informal supervision in order that the court may use those fees to expand the provision of the following types of ancillary services:

- (1) Housing in nonsecure facilities that meet the requirements of Code Section 15-11-48;
- (2) Educational services, tutorial services, or both;
- (3) Counseling and diagnostic testing;
- (4) Mediation;
- (5) Transportation to and from court ordered services;
- (6) Restitution programs; and
- (7) Job development or work experience programs.

(b) The juvenile court may order each delinquent or unruly child who receives supervision under paragraph (5) of subsection (a) of Code Section 15-11-66, Code Section 15-11-67, or paragraph (2) of subsection (a) of Code Section 15-11-69 to pay:

(1) An initial court supervision user's fee of not less than \$10.00 nor more than \$200.00; and

(2) A court supervision user's fee of not less than \$2.00 nor more than \$30.00 for each month that the child receives supervision

to the clerk of the court. The child and each parent, guardian, or legal custodian of the child may be jointly and severally liable for the payment of the fee and shall be subject to the enforcement procedure stated in subsection (b) of Code Section 15-11-8. The judge shall attempt to provide that any such fees shall be imposed on such terms and conditions as shall assure that the funds for the payment are from moneys earned by the child. All moneys collected by the clerk under this subsection shall be transferred to the county treasurer, or such other county official or employee who performs duties previously performed by said treasurer, who shall deposit the moneys into a county supplemental juvenile services fund. The governing authority of the county shall appropriate moneys from the county supplemental juvenile services fund to the juvenile court for the court's discretionary use in providing supplemental community based services described in subsection (a) of this Code section to offenders who are children. These funds shall be administered by the county and the court may draw upon them by submitting invoices to the county. The county supplemental juvenile services fund may be used only for these services. Any moneys remaining in the fund at the end of the county fiscal year shall not revert to any other fund but shall continue in the county supplemental juvenile services fund. The county supplemental juvenile services fund may not be used to replace other funding of services.

(c) For the purpose of this Code section, the term "guardian" or "legal custodian" shall not be interpreted or construed to include the Department of Human Resources.

HISTORY: Code 1981, § 15-11-56.1, enacted by Ga. L. 1990, p. 1871, § 1; Ga. L. 1993, p. 931, § 1; Ga. L. 1997, p. 1064, § 6; Code 1981, § 15-11-71, as redesignated by Ga. L. 2000, p. 20, § 1.

NOTES:

THE 2000 AMENDMENT, effective July 1, 2000, redesignated former Code Section 15-11-56.1 as present Code Section 15-11-71; substituted "Code Section 15-11-48" for "Code Section 15-11-20" in paragraph (a)(1); in subsection (b), substituted "under paragraph (5) of subsection (a) of Code Section 15-11-66, Code Section 15-11-67, or paragraph (2) of subsection (a) of Code Section 15-11-69 to pay:" for "under paragraph (2) of subsection (a) of Code Section 15-11-14, paragraph (5) of subsection (a) of Code Section 15-11-35, or Code Section 15-11-36 to pay:" in the introductory language, substituted "Code Section 15-11-8" for "Code Section 15-11-56" at the end of the first sentence in the undesignated language, substituted "child" for "juvenile" at the end of the second sentence, and substituted "subsection (a) of this Code section to offenders who are children" for "this subsection to juvenile offenders".

EDITOR'S NOTES. --Ga. L. 1997, p. 1064, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the "Juvenile Justice Act of 1997."

Ga. L. 1997, p. 1064, § 12, not codified by the General Assembly, provides that the

provisions of that Act "shall not affect or abate the status of a crime or delinquent act or of any such act or omission which occurred prior to the effective date of this Act [April 22, 1997], nor shall the prosecution of such crime or delinquent act be abated as a result of the provisions of this Act."

LAW REVIEWS. --For article commenting on the 1997 amendment of this section, see 14 Georgia St. U. L. Rev. 69 (1997).

USER NOTE: For more generally applicable notes, see notes under the first section of this subpart, part, article, chapter or title.

County Law Library

O.C.G.A. § 36-15-9

LL

Please contact your local governing authority
or your county's Superior Court Clerk with
questions regarding this fund.

**Statutes on County Law Library
(LL)**

O.C.G.A. § 36-15-9

(a) For the purpose of providing funds for those uses specified in Code Section 36-15-7, a sum not to exceed \$5.00, in addition to all other legal costs, may be charged and collected in each action or case, either civil or criminal, including, without limiting the generality of the foregoing, all adoptions, certiorari, applications by personal representatives for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of civil or criminal or quasi-criminal nature, filed in the superior, state, probate, and any other courts of record, except county recorders' courts or municipal courts. The amount of such additional costs to be charged and collected, if any, in each such case shall be fixed by the chief judge of the superior court of the circuit in which such county is located. Such additional costs shall not be charged and collected unless the chief judge first determines that a need exists for a law library in the county. The clerk of each and every such court in such counties in which such a law library is established shall collect such fees and remit the same to the treasurer of the board of trustees of the county law library of the county in which the case was brought, on the first day of each month. Where fees collected by the treasurer have been allocated for the purpose of establishing or maintaining the codification of county ordinances, the allocated amount shall in turn be remitted by the treasurer to the county governing authority for said purpose on a monthly basis or as otherwise agreed by the treasurer and the county governing authority. The county ordinance code provided for in subsection (a) of Code Section 36-15-7 shall be maintained by the county governing authority. When the costs in criminal cases are not collected, the cost provided in this Code section shall be paid from the fines and forfeitures fund of the court in which the case is filed, before any other disbursement or distribution of such fines or forfeitures is made.

(a.1) In any county having a population of more than 550,000 according to the United States decennial census of 1980 or any future such census, the power and authority provided in subsection (a) of this Code section for the chief judge shall be exercised by the superior court judge who has the most service as a superior court judge.

(b) A case, within the meaning of subsection (a) of this Code section, shall mean and be construed as any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned, whether such matter is contested or not.

(c) Reserved.

(d) Notwithstanding that provision of subsection (a) of this Code section which excepts recorders' courts from the requirement of charging and collecting the additional costs provided for by said subsection (a), said subsection (a) and subsection (b) of this Code section shall be applicable to the recorder's court of each county of this state having a population of not less than 200,000 nor more than 275,000 according to the United States decennial census of 1980 or any future such census.

(e) Notwithstanding that provision of subsection (a) of this Code section which excepts county recorders' courts and municipal courts from the requirement of charging and collecting the additional costs provided for by that subsection (a), subsections (a) and (b) of this Code section shall apply to any municipal court of a municipality if the governing authority thereof, by ordinance or resolutions, approves the charging and collecting of such costs pursuant to subsections (a) and (b) of this Code section.

(f) The sums provided for in subsection (a) of this Code section for actions, cases, or proceedings civil in nature which are filed in the superior courts shall be collected in accordance with the provisions of subsection (b) of Code Section 15-6-77.

(g) In counties where a law library authorized by this chapter has not been established, upon request of the county governing authority, the chief judge of a circuit shall direct that the fees authorized by this Code section be charged and collected for the purpose of the establishment and maintenance of the codification of county ordinances. However, the amount transferred to the county governing authority pursuant to this subsection shall not

exceed the cost of establishing or maintaining the codification. The clerk of each and every court in such counties in which costs are collected for the purpose of carrying out the provisions of this subsection shall remit the same to the county governing authority on the first day of each month. The county ordinance code provided for in this subsection shall be maintained by the county governing authority. When the costs in criminal cases are not collected, the cost provided in this Code section shall be paid from the fines and forfeitures fund of the court in which the case is filed before any other disbursement or distribution of such fines or forfeitures is made.

DUI Photo Publication Fee

O.C.G.A § 40-6-391

DUI Photo Publications Fee

O.C.G.A § 40-6-391.

- (a) A person shall not drive or be in actual physical control of any moving vehicle while:
- (1) Under the influence of alcohol to the extent that it is less safe for the person to drive;
 - (2) Under the influence of any drug to the extent that it is less safe for the person to drive;
 - (3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent that it is less safe for the person to drive;
 - (4) Under the combined influence of any two or more of the substances specified in paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person to drive;
 - (5) The person's alcohol concentration is 0.08 grams or more at any time within three hours after such driving or being in actual physical control from alcohol consumed before such driving or being in actual physical control ended; or
 - (6) Subject to the provisions of subsection (b) of this Code section, there is any amount of marijuana or a controlled substance, as defined in Code Section 16-13-21, present in the person's blood or urine, or both, including the metabolites and derivatives of each or both without regard to whether or not any alcohol is present in the person's breath or blood.
- (b) The fact that any person charged with violating this Code section is or has been legally entitled to use a drug shall not constitute a defense against any charge of violating this Code section; provided, however, that such person shall not be in violation of this Code section unless such person is rendered incapable of driving safely as a result of using a drug other than alcohol which such person is legally entitled to use.
- (c) Every person convicted of violating this Code section shall, upon a first or second conviction thereof, be guilty of a misdemeanor and, upon a third or subsequent conviction thereof, be guilty of a high and aggravated misdemeanor and shall be punished as follows:
- (1) First conviction with no conviction of and no plea of nolo contendere accepted to a charge of violating this Code section within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:
 - (A) A fine of not less than \$300.00 nor more than \$1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;
 - (B) A period of imprisonment of not less than ten days nor more than 12 months, which period of imprisonment may, at the sole discretion of the judge, be suspended, stayed, or probated, except that if the offender's alcohol concentration at the time of the offense was 0.08 grams or more, the judge may suspend, stay, or probate all but 24 hours of any term of imprisonment imposed under this subparagraph;
 - (C) Not less than 40 hours of community service, except that for a conviction for violation of subsection (k) of this Code section where the person's alcohol concentration at the time of the offense was less than 0.08 grams, the period of community service shall be not less than 20 hours;
 - (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program; and
 - (E) If the defendant is sentenced to a period of imprisonment for less than 12 months, a period of probation of 12 months less any days during which the defendant is actually incarcerated;

(2) For the second conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than \$600.00 nor more than \$1,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;

(B) A period of imprisonment of not less than 90 days nor more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not less than 72 hours of actual incarceration;

(C) Not less than 30 days of community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program;

(E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if indicated by such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of 12 months less any days during which the defendant is actually incarcerated; or

(3) For the third or subsequent conviction within a five-year period of time, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted:

(A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall not, except as provided in subsection (g) of this Code section, be subject to suspension, stay, or probation;

(B) A mandatory period of imprisonment of not less than 120 days nor more than 12 months. The judge shall probate at least a portion of such term of imprisonment, in accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge may impose; provided, however, that the offender shall be required to serve not less than 15 days of actual incarceration;

(C) Not less than 30 days of community service;

(D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by the Department of Human Resources. The sponsor of any such program shall provide written notice of such approval to the person upon enrollment in the program;

(E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if indicated by such evaluation, completion of a substance abuse treatment program as defined in Code Section 40-5-1; and

(F) A period of probation of 12 months less any days during which the defendant is actually incarcerated.

For the purpose of imposing a sentence under this subsection, a plea of nolo contendere or an adjudication of delinquency based on a violation of this Code section shall constitute a conviction.

(d)(1) Notwithstanding the limits set forth in any municipal charter, any municipal court of any municipality shall be authorized to impose the punishments provided for in this Code section

upon a conviction of violating this Code section or upon conviction of violating any ordinance adopting the provisions of this Code section.

(2) Notwithstanding any provision of this Code section to the contrary, any court authorized to hear cases involving violations of this Code section shall be authorized to exercise the power to probate, suspend, or stay any sentence imposed. Such power shall, however, be limited to the conditions and limitations imposed by subsection (c) of this Code section.

(e) The foregoing limitations on punishment also shall apply when a defendant has been convicted of violating, by a single transaction, more than one of the four provisions of subsection (a) of this Code section.

(f) The provisions of Code Section 17-10-3, relating to general punishment for misdemeanors including traffic offenses, and the provisions of Article 3 of Chapter 8 of Title 42, relating to probation of first offenders, shall not apply to any person convicted of violating any provision of this Code section.

(g)(1) If the payment of the fine required under subsection (c) of this Code section will impose an economic hardship on the defendant, the judge, at his or her sole discretion, may order the defendant to pay such fine in installments and such order may be enforced through a contempt proceeding or a revocation of any probation otherwise authorized by this Code section.

(2) In the sole discretion of the judge, he or she may suspend up to one-half of the fine imposed under paragraph (2) or (3) of subsection (c) of this Code section for a second or subsequent conviction conditioned upon the defendant's undergoing treatment in a substance abuse treatment program as defined in Code Section 40-5-1.

(h) For purposes of determining under this chapter prior convictions of or pleas of nolo contendere to violating this Code section, in addition to the offense prohibited by this Code section, a conviction of or plea of nolo contendere to any of the following offenses shall be deemed to be a violation of this Code section:

(1) Any federal law substantially conforming to or parallel with the offense covered under this Code section;

(2) Any local ordinance adopted pursuant to Article 14 of this chapter, which ordinance adopts the provisions of this Code section; or

(3) Any previously or currently existing law of this or any other state, which law was or is substantially conforming to or parallel with this Code section.

(i) A person shall not drive or be in actual physical control of any moving commercial motor vehicle while there is 0.04 percent or more by weight of alcohol in such person's blood, breath, or urine. Every person convicted of violating this subsection shall be guilty of a misdemeanor and, in addition to any disqualification resulting under Article 7 of Chapter 5 of this title, the 'Uniform Commercial Driver's License Act,' shall be fined as provided in subsection (c) of this Code section.

(j)(1) The clerk of the court in which a person is convicted a second or subsequent time under subsection (c) of this Code section within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, shall cause to be published a notice of conviction for each such person convicted. Such notices of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at

the time of arrest, name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(2) The convicted person for which a notice of conviction is published pursuant to this subsection shall be assessed \$25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed pursuant to this Code section.

(3) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided such publication was made in good faith.

(k)(1) A person under the age of 21 shall not drive or be in actual physical control of any moving vehicle while the person's alcohol concentration is 0.02 grams or more at any time within three hours after such driving or being in physical control from alcohol consumed before such driving or being in actual physical control ended.

(2) Every person convicted of violating this subsection shall be guilty of a misdemeanor for the first and second convictions and upon a third or subsequent conviction thereof be guilty of a high and aggravated misdemeanor and shall be punished and fined as provided in subsection (c) of this Code section, provided that any term of imprisonment served shall be subject to the provisions of Code Section 17-10-3.1, and any period of community service imposed on such person shall be required to be completed within 60 days of the date of sentencing.

(3) No plea of nolo contendere shall be accepted for any person under the age of 21 charged with a violation of this Code section.

(1) A person who violates this Code section while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of a violation of this subsection shall be punished in accordance with the provisions of subsection (d) of Code Section 16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child.

FAMILY VIOLENCE
Publication Fee

O.C.G.A. §§ 16-5-26 AND 16-5-96

Family Violence Publication Fee

O.C.G.A. §§ 16-5-26 and 16-5-96

Said chapter is further amended by adding a new Code section to read as follows:

O.C.G.A. § 16-5-26.

(a) The clerk of the court in which a person is convicted of a second or subsequent violation of Code Section 16-5-20 and is sentenced pursuant to subsection (d) of such Code section, Code Section 16-5-23 and is sentenced pursuant to subsection (f) of such Code section, or Code Section 16-5-23.1 shall cause to be published a notice of conviction for such person. Such notice of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, the name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(b) The convicted person for which a notice of conviction is published pursuant to this Code section shall be assessed \$25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed.

(c) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided that such publication was made in good faith."

Said chapter is further amended by adding a new Code section to read as follows:

O.C.G.A. § 16-5-96.

(a) The clerk of the court in which a person is convicted of a second or subsequent violation of Code Section 16-5-90 or 16-5-91 shall cause to be published a notice of conviction for such person. Such notice of conviction shall be published in the manner of legal notices in the legal organ of the county in which such person resides or, in the case of nonresidents, in the legal organ of the county in which the person was convicted. Such notice of conviction shall be one column wide by two inches long and shall contain the photograph taken by the arresting law enforcement agency at the time of arrest, the name and address of the convicted person, and the date, time, place of arrest, and disposition of the case and shall be published once in the legal organ of the appropriate county in the second week following such conviction or as soon thereafter as publication may be made.

(b) The convicted person for which a notice of conviction is published pursuant to this Code section shall be assessed \$25.00 for the cost of publication of such notice and such assessment shall be imposed at the time of conviction in addition to any other fine imposed.

(c) The clerk of the court, the publisher of any legal organ which publishes a notice of conviction, and any other person involved in the publication of an erroneous notice of conviction shall be immune from civil or criminal liability for such erroneous publication, provided that such publication was made in good faith."

Indigent Defense Application Fee

O.C.G.A. 15-21A-6

IDAF

Superior & Juvenile Courts Only

Remit To:

GSCCCA

Fines & Fees Division

P.O. Box 29645

Atlanta, GA 30359

**All other courts, retained by entity providing legal
defense services (could be governing authority)**

Statutes on Indigent Defense Fund

IDF

O.C.G.A. §15-21A-6.

(a) In addition to all other legal costs there shall be charged to the filing party and collected by the clerk an additional filing fee of \$15.00 in each civil action or case filed in the superior, state, probate, recorder's, mayor's, and magistrate courts except that municipalities, counties, and political subdivisions shall be exempt from such fee. Without limiting the generality of the foregoing, such fee shall apply to all adoptions, certiorari, applications by personal representatives for leave to sell or reinvest, trade name registrations, applications for change of name, and all other proceedings of a civil nature. Any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned shall be subject to such fee, whether such matter is contested or not.

(b) Any person who applies for or receives legal defense services under Chapter 12 of Title 17 shall pay the entity providing the services a single fee of \$50.00 for the application for, receipt of, or application for and receipt of such services. The application fee may not be imposed if the payment of the fee is waived by the court. The court shall waive the fee if it finds that the applicant is unable to pay the fee or that hardship will result if the fee is charged.

(c) Each clerk of court, each indigent defense program, or any other officer or agent of any court receiving any funds subject to this Code section shall collect the additional fees provided in this Code section and shall pay such moneys over to the authority by the last day of the month after the month of collection, to be deposited by the authority into the general fund of the state treasury.

(d) It is the intent of the General Assembly that all funds derived under this Code section shall be made available through the general appropriations process and may be appropriated for purposes of funding indigent defense.

(e) A public entity other than an entity providing legal defense services under Chapter 12 of Title 17 may charge, in addition to any other fee or surcharge authorized by law, a \$50.00 application fee unless waived by the court for inability to pay or hardship. Any such fee shall be retained by the entity providing the services or used as otherwise provided by law and shall not be subject to payment to the authority or deposit into the state treasury.

Attorney General's Opinions

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January 31, 1990

CORE TERMS: bail, posted, ordinance, adjudged, surcharge, sentence, Staffing Act, political subdivision, case involving, clear language, traffic law, sum equal, authorization, mandatory

SYLLABUS:

[*1]

RE: [O.C.G.A. § 15-21-93\(a\)\(2\)](#), a portion of the Jail Construction and Staffing Act, requires that when bail or bond is posted in any case involving a violation of a criminal law or traffic law of the State or an ordinance of a political subdivision thereof, an additional sum equal to ten percent of the original amount of the bail or bond must be posted. The provisions of this statute should not be applied, however, except to bail or bond posted by an individual who has been adjudged guilty. The **fee** on bail or bond should be applied in all applications for bail or bond made after January 1, 1990.

REQUESTBY:

Mr. Daniel E. DeLoach, Jr.
Court Administrator
First Judicial Administrative District
Chatham County Courthouse Annex
415 West Broughton St.
Savannah, Georgia 31401

OPINIONBY:

NEAL B. CHILDERS, Assistant Attorney General

OPINION:

In your recent letter and telephone call to the Attorney General, you have requested an opinion concerning the proper interpretation of [O.C.G.A. § 15-21-93\(a\)\(2\)](#), a part of the "Jail Construction and Staffing Act." This Act became effective January 1, 1990. Specifically, you have questioned whether this Code section authorizes a sheriff to add an additional ten percent sum to **[*2]** surety bonds posted against property. Under the clear language of the statute, the sheriff is not only authorized to add the ten percent additional **fee**, such an additional **fee** is mandatory. The Code section specifically provides that:

At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this State or ordinance of a political subdivision thereof, an additional sum equal to 10 percent of the original amount of bail or bond shall be posted.

The clear language of this Code section admits of no ambiguity; so long as the jurisdiction has elected to participate in this program, when bail or bond is posted "in any case" involving violations of the specified statutes and ordinances, the additional ten percent "shall be posted."

In interpreting statutes, one must look diligently for the intention of the General Assembly. [O.C.G.A. § 1-3-1\(a\)](#). The ordinary signification is to be applied to all words. [O.C.G.A. § 1-3-1\(b\)](#). Where the statute is plain and susceptible of but one reasonable construction, the plain language of the statute is controlling. [Hollowell v. Jove, 247 Ga. 678 \(1981\)](#).

Review of the statute does not, however, **[*3]** resolve your question. The authority of the General Assembly in this area is derived from Ga. Const. Art. III, Sec. IX, Para. VI. See [O.C.G.A. § 15-21-91](#). The Constitution limits the grant of authority to impose and specially allocate additional penalties and **fees** to cases "in which a person is adjudged guilty." Ga. Const. Art. III, Sec. IX, Para. VI (g). Accordingly, [O.C.G.A. § 15-21-93\(a\)\(2\)](#) must be read in light of, and in conformity with, the constitutional authorization. As the constitutional authorization is limited to situations "in which a person is adjudged guilty," [O.C.G.A. § 15-21-93\(a\)\(2\)](#) must be limited in its application to bail or bond posted subsequent to a conviction, and can only be applied in those situations.

You have also asked whether, in light of the January 1, 1990, effective date of this Act, the **fees** required by the Act should be applied to all applications for bail or bond made on or after that date, or whether application of the statute should be limited to cases in which the crime is alleged to have been committed on or after January 1, 1990.

The State of Georgia cannot pass ex post facto legislation. U.S. Const. Art. I, Sec. X, Para. I; **[*4]** Ga. Const. Art. I, Sec. I, Para. X. A statute violates the ex post facto clause if it "increases punishment beyond what was prescribed when the crime was consummated." [Weaver v. Graham, 450 U.S. 24, 30 \(1981\)](#); see also [Todd v. State, 228 Ga. 746 \(1972\)](#). The provisions applicable to bail and bonds are not characterized by the General Assembly as "penalties." [O.C.G.A. § 15-21-93\(a\)\(2\)](#). This is in contrast to the provisions concerning fines. [O.C.G.A. § 15-21-93\(a\)\(1\)](#). The additional assessments on bail or bond are not a part of the court's sentence, but are merely a **surcharge**. Since these **surcharges** are not punitive and not a part of the sentence, they may be applied on or after January 1, 1990, regardless of when the crime was committed.

Accordingly, it is my unofficial opinion that [O.C.G.A. § 15-21-93\(a\)\(2\)](#) makes mandatory the imposition of the additional ten percent **fee** on all bails or bonds posted for violation of the criminal laws of this State, the traffic laws of this State, or for violations of municipal ordinances by individuals adjudged guilty of these offenses. These additional **fees** may be assessed on or after January 1, 1990, regardless of the date upon which **[*5]** the offense was committed.

1990 Ga. AG LEXIS 45, *; 1990 Op. Atty Gen. Ga. 132

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF GEORGIA

UNOFFICIAL OPINION **U90-21** n1

n1 The views expressed herein are the completely unofficial views of the writer only, and should be considered as information only.

1990 Ga. AG LEXIS 45; 1990 Op. Atty Gen. Ga. 132

September 21, 1990

CORE TERMS: drug-related, misdemeanor, newly enacted, felony, fine

SYLLABUS:

[*1]

RE: The newly enacted statutes, [O.C.G.A. §§ 15-21-100](#) and 40-5-75, which call for additional penalties for persons convicted of specific drug-related crimes, apply to misdemeanors.

REQUESTBY:

Honorable Dennis T. Still
Judge, Recorder's Court
City of Lawrenceville
P. O. Box 1017
Lawrenceville, Georgia 30246

OPINIONBY:

MICHAEL J. BOWERS, Attorney General

Prepared by: TERRY L. LONG, Staff Attorney

OPINION:

You requested an opinion on whether [O.C.G.A. §§ 15-21-100](#) and 40-5-75 include misdemeanor drug convictions. Both [O.C.G.A. § 15-21-100](#) and § 40-5-75 were enacted during the 1990 session of the General Assembly and both statutes call for additional penalties for individuals convicted of specific drug-related crimes.

[Code section 15-21-100](#) calls for an additional fine in every case in which the court imposes a fine for a conviction under [O.C.G.A. §§ 16-13-30](#), 16-13-30.1, and 16-13-31. [Code section 40-5-75](#) calls for the suspension of the driver's license for any person convicted under [O.C.G.A. § 16-13-30\(a\)](#) or (j). Each crime referred to in the three sections of Title 16 is a drug-related felony except [O.C.G.A. § 16-13-30\(j\)](#) which expressly includes misdemeanor drug-related offenses found in [O.C.G.A. § 16-13-2](#). [*2]

The plain language of the newly enacted statutes must be followed. [Earth Management, Inc.](#)

[v. Heard County, 248 Ga. 442 \(1981\)](#). In the statutes under consideration, there appears to be no ambiguity since these clearly refer to misdemeanor drug violations found in § 16-13-2.

Therefore, it is my unofficial opinion that the additional penalties called for in [O.C.G.A. §§ 15-21-100](#) and 40-5-75 are to be imposed upon convictions for drug-related felonies and misdemeanors.

I hope that this sufficiently responds to your question.

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF GEORGIA

U94-7

1994 Ga. AG LEXIS 15; 1994 Op. Atty Gen. Ga. 76

March 16, 1994

CORE TERMS: child support, filing fees, Child Support Recovery Act, dispute resolution, et seq, pari materia, fee imposed, collected, actions filed, advance payment, paying, obligor, clerk, receiver

SYLLABUS:
[*1]

RE: Civil Actions Filed Under The Child Support Recovery Act, [O.C.G.A. § 19-11-1](#) et seq., Are Subject To Fees Charged By The Clerk For Alternative Dispute Resolution Programs Under [O.C.G.A. § 15-23-7](#); But Collection Of Fees Must Await Conclusion Of The Action And The Fee Ordinarily Should Be Charged To The Child Support Obligor.

REQUESTBY:

Honorable Paschal A. English, Jr.
Judge, Griffin Judicial Circuit
Fayette County Government Annex
145 Johnson Avenue
Fayetteville, Georgia 30214

OPINIONBY:

MICHAEL J. BOWERS, Attorney General

Prepared by: WILLIAM M. DROZE, Assistant Attorney General

OPINION:

This is in response to your request for my opinion as to whether civil actions filed on behalf of the state pursuant to the Child Support Recovery Act, [O.C.G.A. § 19-11-1](#) et seq., are subject to fees assessed for purposes of funding alternative dispute resolution programs under [O.C.G.A. § 15-23-1](#) et seq. If such cases are subject to these fees, you further ask who should be responsible for their payment.

When construing statutes, the goal of any inquiry is to effectuate the intention of the General Assembly, keeping in mind the old law, the evil, and the remedy. [O.C.G.A. § 1-3-1\(a\)](#); [Calhoon v. Mr. Locksmith](#) [*2] Co., 200 Ga. App. 618, 620 (1991). Ordinarily, the state is not bound by passage of a law unless it is expressly named therein. [O.C.G.A. § 1-3-8](#). Since the state is not named in the Alternative Dispute Resolution Act, [O.C.G.A. § 15-23-1](#) et seq., it might be concluded that the fees provided in that act are inapplicable to child support recovery actions. Compare Op. Att'y Gen. No. U84-7. However, I reach the opposite conclusion when reading that act in pari materia with other statutes on filing fees due from the state.

Prior to July 1, 1991, the statute governing filing fees due the clerks of court, [O.C.G.A. § 15-6-77](#), provided that "Nothing contained in this subsection shall be deemed to require

such sum of the state, its agencies, or political subdivisions." [O.C.G.A. § 15-6-77\(b\)\(5\)](#). Effective July 1, 1991, the General Assembly revised this Code section to provide that "Nothing contained in this subsection shall be deemed to require advance payment of such sum by the state, its agencies, or political subdivisions." [O.C.G.A. § 15-6-77\(e\)\(2\)](#) (Emphasis Supplied). Thus, it appears that the General Assembly intended that the state, its agencies, or political subdivisions [*3] be liable for filing fees, but that these fees need not be tendered as of the filing of the action.

The rationale behind this statutory change is simple. Actions filed on behalf of the public should be allowed to proceed without prepayment of filing fees as they further the public interest and the state, its agencies, and political subdivisions pose no danger of nonpayment. In addition, if the public body is successful in prosecuting its action, this cost can be taxed to the opposing party by the court at the conclusion of the action.

Because both [O.C.G.A. § 15-6-77\(e\)\(2\)](#) and [O.C.G.A. § 15-23-7](#) relate to filing fees, they are statutes in *pari materia* and should be construed together. See [Georgia Marble Co. v. Whitlock, 260 Ga. 350, 354 \(1990\)](#); [Reid Rental, Inc. v. City of Waycross, 197 Ga. App. 676, 677 \(1990\)](#). It would be an incongruous result to conclude that the General Assembly intended for the state, its agencies, and political subdivisions to be subject to filing fees in general, but to be excluded from the fee imposed for alternative dispute resolution programs; especially in light of the broad language used in [O.C.G.A. § 15-23-7](#). Thus, I conclude that [*4] actions filed under the Child Support Recovery Act are subject to the fee imposed in [O.C.G.A. § 15-23-7](#). To remain consistent with the related statute, [O.C.G.A. § 15-6-77\(e\)\(2\)](#), though, this fee should not be required as an advance payment from the state, its agencies, or political subdivisions.

There is one exception of note which should be mentioned. In concluding that actions filed under the Child Support Recovery Act are subject to this fee, I do not mean to include those cases which are filed under the Uniform Reciprocal Enforcement of Support Act (URESA), [O.C.G.A. § 19-11-40](#) et seq. The General Assembly has indicated its intention that no filing fee be imposed in conjunction with cases filed under this reciprocal law. [O.C.G.A. § 19-11-56](#). Accordingly, these cases are not subject to the fee.

Having concluded that the fee imposed in [O.C.G.A. § 15-23-7](#) is applicable to child support recovery actions, I will address your inquiry concerning the party responsible for paying this fee. To answer this question, another statute which should be read in *pari materia* with [O.C.G.A. § 15-23-7](#) is instructive. Effective April 20, 1992, the General Assembly charged the child [*5] support receivers of the various counties with the task of collecting "all costs of court and service fees of the sheriff in any [child support] action initiated by the state." [O.C.G.A. § 15-15-5\(b\)](#) (Bracketed Language Inserted). Using mandatory language, the Code section requires the child support receiver "to assess and collect from the paying party". *Id.* The fee is to be collected "with the first child support payment collected." *Id.*

Reading this language in *pari materia* with [O.C.G.A. § 15-23-7](#), I conclude that the child support obligor is responsible for paying the additional fee to support the alternative dispute resolution program. In the event no child support obligation is established, the fee would be due from the state agency, or political subdivision initiating the action. I also note that like other fees, the alternative dispute resolution fee should not be collected in such a manner so as to reduce any payment due the parent or guardian of the minor child, see [O.C.G.A. § 15-15-5\(c\)](#).

In closing, this advice presumes that all prerequisites for charging this fee have already

been met prior to its imposition. See [O.C.G.A. § 15-23-10](#). Consequently, **[*6]** it is my unofficial opinion that civil actions brought pursuant to the Child Support Recovery Act are subject to the fee imposed under [O.C.G.A. § 15-23-7](#) to support alternative dispute resolution programs, but the state, its agencies, and political subdivisions should not be compelled to make advance payment of the fee which should ordinarily be collected from the child support obligor upon the conclusion of the action.

Issued this 16th day of March, 1994.

April 9, 1996

CORE TERMS: fine, forfeiture, surcharge, retirement fund, collected, allocated, probate, collection, law library, disbursed, deducted, secretary-treasurer, installment payments, governing authority, fines imposed, disbursement, proportional, unofficial, allocable, partial, bail, partial payment, equally clear, clerk, proportionally, collecting, funded

SYLLABUS:

[*1]

Re: Priority of payment of surcharges to and deductions from fines and forfeitures imposed in traffic cases.

REQUESTBY:

The Honorable LaVerne C. Ogletree
President, Council of Probate Judges
Greene County Courthouse
113C North Main Street
Greensboro, Georgia 30642-1107

OPINIONBY:

MICHAEL J. BOWERS, Attorney General

Prepared by: NEAL B. CHILDERS, Senior Assistant Attorney General

OPINION:

In your letter, you have asked several questions regarding the proper method for allocating various statutory fees and penalties which are in addition to, or part of, fines imposed in particular cases. I will attempt to address each of your concerns in order.

First, you have asked whether the sums provided for by certain provisions are to be added to a fine or bond forfeiture and, if so, should they also be added to the bail bond required of the defendant. The first such provision is the Peace Officer and Prosecutor Training Fund. Under Georgia law, this fund is to receive the sum of \$ 50.00 or ten percent of the original fine, whichever is less. It is clear that this sum is an additional penalty which is to be added to the fine. [O.C.G.A. § 15-21-73\(a\) \(1\)](#). It is equally clear that this sum is also to be added to the amount [*2] of any bail or bond established by the Court. [O.C.G.A. § 15-21-73\(a\) \(2\)](#).

Secondly, you ask the same questions with regard to the Jail Construction and Staffing Fund. Assuming that this fund is applicable to the jurisdiction (unlike other provisions mentioned, this fund is applicable only when the governing authority of the county has adopted a resolution placing the article in effect), this fund is to receive ten percent of the original fine. It is clear that this sum is an additional penalty which is to be added to the fine. [O.C.G.A. § 15-21-93\(a\) \(1\)](#). It is equally clear that this sum is also to be added to the amount of any bail or bond established by the Court. [O.C.G.A. § 15-21-93\(a\) \(2\)](#). **See also** 1990 Ops. Att'y Gen. No. U90-4.

The Georgia Crime Victims Emergency Fund is funded by a surcharge on fines imposed upon

those convicted of driving under the influence as prohibited by [O.C.G.A. § 40-6-391](#) or a local ordinance which adopts those provisions by reference. Under Georgia law, this fund is to receive the sum of \$ 25.00 or ten percent of the original fine, whichever is less. It is clear that this sum is an additional penalty which is to be added to the fine. [O.C.G.A. \[*3\] § 15-21-112\(a\)](#). In contrast to the provisions previously addressed, no provision is made for the assessment of this surcharge when bail or bond is posted.

Finally, Georgia law provides for the funding of a county law library by the provision of surcharges. Before such surcharges are applicable, however, the chief judge of the superior court of the circuit in which the county is located must first determine that there is a need for a county law library. Once the chief judge has made that determination, he is to establish the amount of the surcharge, not to exceed \$ 5.00, which is to be applied to every civil and criminal action by all of the courts in the county. [O.C.G.A. § 36-15-9\(a\)](#). This provision is applicable to the probate courts. 1988 Ops. Att'y Gen. No. U88-3. The statute is clear that this is a charge in addition to the fine. [O.C.G.A. § 36-15-9\(a\)](#).

You have also questioned the manner in which funds should be disbursed in the event of partial or installment payments. Specifically, you have asked whether or not the Clerk should disburse the funds on a priority basis, to each fund in a proportional amount as collected, or held until all funds are received and then disbursed **[*4]** on a proportional basis (in the event all sums are not collected).

The statute governing the county law library provides that these funds, if applicable, are to be disbursed to the treasurer of the county law library on the first day of each month. [O.C.G.A. § 36-15-9\(a\)](#). If, in a criminal case, the costs are not collected, this sum is to be paid "from the fines and forfeitures fund of the court in which the case is filed, before any other disbursement or distribution of such fines or forfeitures is made." *Id.* Thus, it is my conclusion that priority must be given, and initial disbursement made, to this fund.

The governing statutes regulating the other Funds each provide for prompt payment of sums collected. [O.C.G.A. § 15-21-74](#) (Peace Officer and Prosecutor Training Fund; to be paid by the last day of the month following collection to the Commissioner of Revenue for deposit into the general treasury); [O.C.G.A. § 15-21-94](#) (Jail Construction and Staffing Fund; to be paid by the tenth day of the month following collection to the governing authority of the county); [O.C.G.A. § 15-21-113](#) (Crime Victims Emergency Fund; to be paid by the last day of the month following collection **[*5]** to the Georgia Crime Victims Compensation Board). Thus, it is my conclusion that the statutes in question obligate disbursement as funds are received, and do not authorize disbursement only after the entire fine and surcharges have been collected, or once it is apparent that further collection efforts are fruitless.

There is no statutory system of priorities applicable to probate courts which would be comparable to the provisions of [O.C.G.A. § 15-6-95](#), which is applicable to clerks of the superior courts. Therefore, in the absence of any system of priorities established by law (with the exception of the county law library fund, discussed *infra*), it is my unofficial opinion that the sums collected should be paid to each fund in a proportional amount to the sums collected as each payment is received.

Next, you have posed similar questions in regard to the Probate Judges' Retirement Fund, Peace Officers' Annuity and Benefit Fund, and the Sheriffs' Retirement Fund. You have asked whether these funds are to be funded by surcharges from the fines imposed, or whether the sums are to be deducted from the fine as originally set.

Under Georgia law, the amount to be collected for [*6] the Probate Court Judges' Retirement Fund is to be based upon the amount of the fine or bond forfeiture. [O.C.G.A. § 47-11-51\(a\)](#). The statute speaks of "collecting" the appropriate sum. *Id.* These sums are not court costs. 1972 Ops. Att'y Gen. No. 72-29. This sum is to be paid to the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia on or before the twentieth day of the month after collection. [O.C.G.A. § 47-11-51\(c\)\(1\)](#). Further, this sum is to be paid to the Board before the payment of any cost or claims "against such fine or forfeiture." [O.C.G.A. § 47-11-51\(b\)](#). Therefore, it is my conclusion that this amount is a part of the fine or bond forfeiture, and is to be deducted from it, rather than a surcharge imposed in addition to the fine itself. The statute requires payment of this sum to be the priority payment from the monies allocated to payment of the fine itself.

The amount to be collected for the Peace Officers' Annuity and Benefit Fund is likewise based upon the amount of the fine or bond forfeiture. [O.C.G.A. § 47-17-60\(a\)](#). The statute speaks of "collecting" the appropriate sum. *Id.* These sums are not court costs. 1972 Ops. [*7] Att'y Gen. No. 72-29. This sum is to be paid to the secretary-treasurer of the Peace Officers' Annuity and Benefit Fund on or before the first day of the month after collection. [O.C.G.A. § 47-17-60\(a\)](#). Further, this sum is to be paid to the secretary-treasurer before the payment of any cost or claims "against such fine or forfeiture." [O.C.G.A. § 47-17-60\(a\)](#). Therefore, it is my conclusion that this amount is a part of the fine or bond forfeiture, and is to be deducted from it, rather than a surcharge imposed in addition to the fine itself. This statute, like the Probate Court Judges' Retirement Fund statute, requires that payment of this sum be a priority payment from the monies allocated to payment of the fine itself. In the event the portion of the partial payment allocable to the fine or forfeiture is not adequate to pay the sums due each fund, the entire sum of this portion must be allocated between these funds and disbursed accordingly until these obligations are satisfied.

Finally, the amount to be collected for the Sheriffs' Retirement Fund is established at a flat rate of \$ 2.00, as long as the amount of the fine or bond exceeds \$ 5.00. [O.C.G.A. § 47-16-60\(a\)](#). The statute [*8] indicates that this sum is to be "allocated" from each fine or bond. *Id.* These sums are not court costs. 1972 Ops. Att'y Gen. No. 72-29. This sum is to be paid to the secretary-treasurer of the Sheriffs' Retirement Fund on a quarterly basis, or as the Board may otherwise require. [O.C.G.A. § 47-16-60\(a\)](#). Further, this sum is to be paid to the secretary-treasurer before the payment of any cost or claims "against such fine or forfeiture." [O.C.G.A. § 47-16-60\(a\)](#). Therefore, it is my conclusion that this amount is a part of the fine or bond forfeiture, and is to be deducted from it, rather than a surcharge imposed in addition to the fine itself. As with the two preceding retirement fund statutes, payment of this sum must be a priority payment from the monies allocated to payment of the fine itself. In the event the portion of the partial payment allocable to the fine or forfeiture is not adequate to pay the sums due each fund, the entire sum of this portion must be allocated between these funds and disbursed accordingly until these obligations are satisfied.

In sum, it is my unofficial opinion that payments for the Peace Officer and Prosecutor Training Fund, the Jail Construction [*9] and Staffing Fund, the Georgia Crime Victims Emergency Fund, and the County Law Library Fund are surcharges which must be added, as applicable, to the amount of the fine originally established by the court. In the case of partial or installment payments, those payments must be allocated proportionally between money attributable to the fine and to these surcharges, and the amount applicable to these surcharges should be allocated proportionally to the various funds as provided by law. It is further my unofficial opinion that the sums due to the Probate Court Judges' Retirement Fund, the Peace Officers' Annuity and Benefit Fund, and the Sheriffs' Retirement Fund are to

be deducted from the fines and forfeitures established by the court, rather than being added to that amount as surcharges. In the case of partial or installment payments, the amount of the payment allocable to the fine or forfeiture must be dedicated to the contributions due these funds prior to any such monies being forwarded to the county governing authority as payments of fines or forfeitures.

Official Opinion 2003-4

2003 Ga. AG LEXIS 4

April 7, 2003

CORE TERMS: fine, clerk, surcharge, sentencing, recipient, collecting, sentence, partial, duty, pronouncement, calculated, probate, traffic, amend, moneys arising, court officer, proportional, distributed, collected, collection, particular case, penalty amount, amounts owed, traffic law, sum equal, calculating, entirety, lesser, assess, silent

TYPE: OFFICIAL OPINION

SYLLABUS:

[*1]

Miscellaneous questions regarding the imposition, collection, and distribution of additional penalties and surcharges on criminal and traffic fines

REQUESTBY:

State Auditor

OPINIONBY:

J. JAYSON PHILLIPS, Assistant Attorney General

OPINION:

You have requested my opinion on five issues concerning the imposition, collection, and distribution of additional penalties and surcharges on criminal and traffic fines, including specific questions on the Peace Officer and Prosecutor Training Fund Act of 1983 (hereinafter "POPTF"), [O.C.G.A. §§ 15-21-70](#) through 15-21-77. I will address these questions in the order they appear in your letter.

Your first question is whether, in circumstances where an additional penalty is required to be imposed for a criminal or traffic law violation pursuant to [O.C.G.A. § 15-21-73](#), a clerk of court is "required to impose" the additional POPTF penalty in the event the sentencing judge does not specifically refer to the additional penalty when sentence is pronounced.

When a sentencing judge imposes a fine for the violation of a criminal or traffic law, the General Assembly has mandated that "there [*2] *shall* be imposed as an additional penalty a sum equal to the lesser of \$ 50.00 or 10 percent of the original fine." [O.C.G.A. § 15-21-73\(a\)\(1\)](#) (emphasis added). Previously, this office has opined that although it would "probably avoid misunderstanding" to do so explicitly, a sentencing judge is not required to set forth specifically the additional penalty during the judge's oral pronouncement of sentence. 1983 Op. Att'y Gen. 83-80, at 182. This is so because the "additional penalty" is imposed by operation of law; it is required in every case in which a criminal or traffic fine is imposed.

While the sentencing judge may not reference the POPTF "additional penalty" in the oral

pronouncement of sentence, "the sums provided for in [Code Section 15-21-73](#) shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines." [O.C.G.A. § 15-21-74](#) (emphasis added). Since the clerk of court is the court officer charged with the duties of collecting the POPTF "additional penalty," **[*3]** see 1996 Op. Att'y Gen. U96-10, it is my opinion that the clerk is therefore required to "assess" the POPTF "additional penalty" when the sentencing judge's oral pronouncement of sentence is silent on that issue.

In a previous opinion, this office stated that the "additional penalty ... may be added on by the respective court officer whose duty it is to collect the moneys in each particular case." 1983 Op. Att'y Gen. 83-80 (emphasis added). You mention in your letter that some clerks have used this statement as justification not to add the additional penalty when the sentencing judge's oral pronouncement is silent. However, under [O.C.G.A. § 15-21-73](#) the assessment by the clerk is mandatory. The use of the word "may" in that opinion indicates merely that the clerk has the authority to assess the penalty when the trial court does not explicitly do so.

Your second question is whether, when calculating the POPTF additional penalty, court costs are to be included in the "original fine" amount or are court costs a separate fine against which POPTF additional penalty must be separately calculated and assessed? **[*4]** In your letter you have offered the example of a \$ 500 fine with court costs of \$ 100. Thus your question is whether the additional penalty amount is \$ 50.00 (10% of \$ 500.00) plus a second additional penalty amount of \$ 10.00 (10% of \$ 100.00), or is the total additional penalty only \$ 50.00, the maximum authorized by statute, since 10% of the \$ 600.00 total (fine plus court costs) is \$ 60.00.

[O.C.G.A. § 15-21-73](#)(a)(1) states that the fine amount from which the additional penalty is to be calculated "shall be construed to include costs ... [and shall be] a sum equal to the lesser of \$ 50.00 or 10 percent of the original fine." Given this language in the statute, it is my opinion that court costs are to be included in calculating the original fine amount on which the additional penalty is calculated. Thus, in your example, the additional POPTF penalty would total only \$ 50.00. This interpretation is consistent with previous unofficial opinions of this office concerning the calculation of additional penalties under this Code section and for certain drug convictions pursuant to [O.C.G.A. § 15-21-100](#) **[*5]** (a). See 1996 Op. Att'y Gen. U96-14; 1984 Op. Att'y Gen. U84-18. This interpretation subsequently has been embraced by the Court of Appeals of Georgia. See [Barraco v. State, 252 Ga. App. 25, 25-26 \(2001\)](#).

Your third question is whether [O.C.G.A. § 15-6-95](#), the superior court partial payment distribution priority list, requires that amounts owed to higher priority recipients be paid in their entirety before distributions are made to a lower priority recipient. It is my opinion that the amount owing to a higher priority recipient must be paid in its entirety before distribution is made to a lower priority recipient. Before listing the nine recipients, the Code section provides that a superior court clerk "shall distribute said sums in the order of priority set forth below." Were partial payments to be distributed pro rata to the nine recipients as they are received, the priority payment schedule enacted by the General Assembly would be negated, i.e., there would be no "priority." The Code section obligates the clerk to pay, in the order established by the General Assembly, "the amount," "the surcharge," **[*6]** or "the balance" owed to the highest priority recipient before a distribution is made to the next priority recipient. If a person is ultimately unable to pay the total amount assessed, lower priority funds may receive no payment in that particular case.

As an additional part of this question, you ask whether the superior court clerk must modify the additional penalty and surcharge amounts owed if the superior court amends the sentence to reduce the original fine to the amount paid to date in the case of a defendant who has made partial payments. If the sentencing court amends the fine to the amount paid rather than merely suspending payment of the remaining balance, it is my opinion that the clerk, as the court officer charged with the duty of assessing and collecting those amounts, must amend the additional penalty and surcharge amounts so as to make them statutorily consistent with the amended original fine. Because many of these additional penalties and surcharges are calculated as a percentage of the original fine amount, the change to the original fine amount will necessarily result in a change to the percentage-based additional penalties and surcharges.

In your fourth [*7] question you ask whether a previous opinion of this office, 1996 Op. Att'y Gen. **U96-8**, states that partial payments received by a probate court must be distributed proportionally between the fine and the surcharges, with the percentage remitted to each surcharge fund then determined by its percentage within the surcharge category. That opinion noted that "there is no statutory system of priorities applicable to probate courts which would be comparable to the provisions of [O.C.G.A. § 15-6-95](#), which is applicable to clerks of the superior courts" before concluding that, with regard to probate courts, "in the absence of any system of priorities established by law ... the sums collected should be paid to each fund in a proportional amount to the sums collected as each payment is received." [Id. at 117.](#)

In the absence of such statutory priorities, this remains sound advice. However, in the event partial payments are distributed in this manner and the sentencing court subsequently amends the original fine amount, the amount due each particular fund would need to be recalculated and any excess distributions redistributed [*8] by the court officer charged with the duty of collecting moneys arising from fines.

Your fifth question is whether the proportional distribution system discussed in regard to probate courts in 1996 Op. Att'y Gen. **U96-8** should be applied to any court collecting fines and fees other than a superior court. Absent statutory direction from the General Assembly to the contrary regarding payment priority, it is my opinion that a proportional or pro rata distribution system is appropriate for any court that is legally required to collect fines and moneys arising from fines.

This opinion has addressed miscellaneous questions regarding the imposition, collection, and distribution of additional penalties and surcharges on criminal and traffic fines, including specific questions on the Peace Officer and Prosecutor Training Act of 1983. I trust it is responsive to your inquiry.

REMITTANCE REPORT

To: Peace Officers’
 Annuity and Benefit Fund
 P.O. Box 56
 Griffin, Georgia 30224

From: _____
 (Name of Court if a County court on Above Line)
 (Name of City if a Municipal Court on Above Line)

_____ County

Court No. _____

Report of Fines and/or Bond Forfeitures for cases during the month(s).

_____, 20__ to _____, 20__
 (Above dates should include first of month to end of month)

Amount of Fine and/or Bond Forfeiture	Number of Cases	Amount due on each case	Total
\$4.01 through \$25.00		\$3.00	
\$25.01 through \$50.00		\$4.00	
\$50.01 through \$100.00		\$5.00	
\$100.01 and over		5% of each case	
Partial Payments			
GRAND TOTAL			

To the best of my knowledge and belief this is a correct amount for the period stated above which is due the Peace Officers’ Annuity and Benefit Fund of Georgia as provided be Ga. Laws, 1950, p. 50, as amended.

Date: _____

 Signature

Check # _____

 Title

Please give the number of cases in each category about. However, itemizing individual cases in any category is optional. Each remitting agent is required to keep accurate records of all cases handled so that they may be inspected or audited at any time. For your information, please refer to 47-17-60 section of Georgia Laws on making remittances. Please note that there is a time limitation for making such remittances as set forth in the Section of Georgia Laws referred to.

The original report should be mailed with your remittance to: Peace Officers’ A & B Fund of Ga.
 P.O. Box 56
 Griffin, Georgia 30224

SUPERIOR COURT CLERKS' RETIREMENT FUND OF GEORGIA
124 N. McDonough Street, Office No. 3
Jonesboro, GA 39236

NAME OF COURT: _____ Date: _____, 20_____

Address: _____ County: _____

Enclosed are check(s) in payment of all fees for the month as required.

Check Number	Check Amount	County Number: _____
1. _____	\$ _____	Monthly Report for Period Covered From: _____, 20_____ Thru: _____, 20_____
2. _____	\$ _____	
3. _____	\$ _____	
4. _____	\$ _____	
5. _____	\$ _____	
6. _____	\$ _____	

REAL ESTATE FEES: Show below the number and amount at 50¢ each of instruments pertaining to real estate processed. (Deeds, Leases, Plats, Options, Contracts, Affidavits, All Liens, All Fi. Fas. , Notices, Releases, Cancellations, Property Bonds, Lis Pendens, Claims, Financing Statements Indexed/Recorded in Real Estate Records. Any Other Instruments Processed in Real Estate Records, etc. **★See Reverse Side.**)

610. INSTRUMENTS PERTAINING TO REAL ESTATE PROCESSED. Number _____ Amt. \$ _____

CIVIL FEES: Show below by correct court, the number and amount at \$1.00 each for Civil Suits, Actions, Cases, Proceedings, Amendments, Adoptions, Charters, Mergers, Certiorari, Application to Sell/Reinvest, Trade Name Registration, Change of name, Garnishment, Certificate of Partnership, Attachments, Abandon Auto Proceedings, Other Proceedings of a Civil Nature, Notary Public Commissions, etc. **★See Reverse Side.**

620. SUPERIOR _____ Amt. \$ _____	621. STATE _____ Amt. \$ _____
622. JUVENILE _____ Amt. \$ _____	623. PROBATE _____ Amt. \$ _____
624. MAGISTRATE _____ Amt. \$ _____	625. OTHER _____ Amt. \$ _____

FINES & FORFEITURE: Show below, by correct court, the number and amount at \$1.75 each for fines or bonds forfeited.

630. SUPERIOR _____ Amt. \$ _____	631. STATE _____ Amt. \$ _____
632. JUVENILE _____ Amt. \$ _____	633. PROBATE _____ Amt. \$ _____
634. MAGISTRATE _____ Amt. \$ _____	635. OTHER _____ Amt. \$ _____

To the best of my knowledge and belief this is a correct amount for
 The period stated due the Superior Court Clerks; Retirement Fund
 Of Georgia as required by the Official Code of Georgia Amended.

Total
Amount \$ _____

Sign: _____

Title: _____

Remittance Due Monthly

Judges' of the Probate Courts Retirement Fund of Georgia
Post Office Box 56, Griffin, Georgia 30224 Phone- (770) 228-8461

REPORT FOR MONTH OF _____ 20_____

(1) AS TO MARRIAGE LICENSE ALLOCATIONS:

Number of marriage licenses sold: _____ @ \$3.30 = _____

_____ @ \$2.40 = _____

TOTAL MARRIAGE LICENSE ALLOCATIONS TOTAL = _____

(2) AS TO CIVIL FILINGS AND PISTOL LICENSE:

Number of Civil filings _____ @ \$2.00 = _____

Number of Pistol License _____ @ \$1.00 = _____

TOTAL CIVIL FILINGS & PISTOL LICENSE TOTAL = _____

(3) AS TO FINES AND FORFIETURES:

Under Code Section 47-11-51, the law requires that ever Probate Judge in Georgia who handles criminal or quasi criminal (traffic) cases must withhold and remit to the Judge's of the Probate Courts Retirement Fund of Georgia certain sums from certain fines or bond forfeitures as set out below. Each Probate Judge is further required to withhold and remit said sums before the payment of any costs or claims whatsoever, and to keep accurate records of all cases handled so they may be inspected or audited at any time.

	<u>CASES</u>	<u>AMOUNT</u>
1. Fine or bond forfeited more than \$4.00, but not over \$25.00 @ \$1.00 each	_____	_____
2. Fine or bond forfeited more than \$25.00, but not over \$50.00 @ \$1.50 each	_____	_____
3. Fine or bond forfeited more than \$50.00, but not over \$100.00 @ \$2.00 each	_____	_____
4. Fine or bond forfeited in any amount more than \$100.00 @ \$2.50	_____	_____
TOTAL Fines and Forfeited Bonds	_____	_____

Amount included for interest due if paid after the 20th of the month _____

Amount included for penalty due from the court _____

	<u>CHECK NUMBER</u>	<u>AMOUNT</u>
MARRIAGE LICENSE	_____	_____
CIVIL & PISTOL	_____	_____
FINES & FORFE.	_____	_____

(One Check to cover all fees in permitted) Total Fees \$ _____

I DO SOLEMNLY SWEAR THAT THE ABOVE IS A TRUE AND CORRECT REPORT FO MARRIAGE LICENSE ALLOCATIONS, CIVIL FILNGS, PISTIOL LICENSE AND CASES HANDLED BY ME DURING THE PERIOD INDICATED ABOVE.

Probate Judge

County

Date

CONSOLIDATED MONTHLY REMITTANCE REPORT – JUVENILE COURT

Report Month: _____ Report Year: _____ Report Date: _____ County: _____

Clerk/Court Officer Filing Report: _____ Phone: _____ ORI: _____

	(1)	(2)	(3)	(4)	(5)
	No. of Cases	Amount of Original Fine and/or Bond Forfeiture	Total Amount of Fines and/or Bond Forfeitures	Computation of Amount Collected	Amount Collected
SECTION 1 - CRIMINAL					
1	POPIDF-A (f/k/a POPTF) (OCGA 15-21-73(a)(1)(A) and (a)(2)(A))	\$1 - \$499.99	\$	10% of column (3)	\$
		\$500 +	\$	\$50 x column (1)	\$
		Partial Payments			
2	Georgia Crime Victims Emergency Fund (OCGA 15-21-112 for conviction of OCGA 40-6-391 (DUI of alcohol/drugs)	\$26	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		\$25	\$	Column (1) x \$25 for pre July 1, 2004 offenses	\$
		Partial Payments			
3	Local Crime Victims Assistance Fund (OCGA 15-21-131)	Full Payments	\$	5% of column (3)	\$
		Partial Payments			\$
4	Brain and Spinal Injury Trust Fund (OCGA 15-21-149)	Full Payments	\$	10% of column (3)	\$
		Partial Payments			\$
5	Crime Lab Fee (OCGA 42-8-34)	Felony		\$50 x column (1)	\$
		Misdemeanor		\$25 x column (1)	\$
		Partial Payments			\$

SECTION 2 – INDIGENT DEFENSE					
6	Civil Action Surcharges (OCGA 15-21A-6)			\$15 x column (1)	\$
7	POPIDF-B (OCGA 15-21-73(a)(1)(B) and (a)(2)(B)	Full Payments	\$	10% x column (3)	\$
		Partial Payments			\$
	Bond Forfeitures	Less than \$500	\$	10% x Column (1)	\$
		Greater than \$500	\$	\$50	\$
8	Indigent Defense Program Application (OCGA 15-21A-6)			\$50 x column (1)	\$

GRAND TOTAL OF ALL COLLECTIONS					\$
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Please make all checks payable to: Georgia Superior Court Clerks' Cooperative Authority (GSCCCA)
Please mail all checks and forms to: GSCCCA Fines and Fees Division, P.O. Box 29645, Atlanta, GA 30359

CHECK NUMBER(S): _____ **CHECK AMOUNTS:** _____

Pursuant to O.C.G.A. § 15-21-132 et. seq, I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified.

Clerk of Court/Judge

CONSOLIDATED MONTHLY REMITTANCE REPORT – MAGISTRATE COURT

Report Month: _____ Report Year: _____ Report Date: _____ County: _____

Clerk/Court Officer Filing Report: _____ Phone: _____ ORI: _____

	(1)	(2)	(3)	(4)	(5)
	No. of Cases	Amount of Original Fine and/or Bond Forfeiture	Total Amount of Fines and/or Bond Forfeitures	Computation of Amount Collected	Amount Collected
SECTION 1 - CRIMINAL					
1	POPIDF-A (f/k/a POPTF) (OCGA 15-21-73(a)(1)(A) and (a)(2)(A))	\$1 - \$499.99	\$	10% of column (3)	\$
		\$500 +	\$	\$50 x column (1)	\$
		Partial Payments			
2	Georgia Crime Victims Emergency Fund (OCGA 15-21-112 for conviction of OCGA 40-6-391 (DUI of alcohol/drugs)	\$26	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		\$25	\$	Column (1) x \$25 for pre July 1, 2004 offenses	\$
		Partial Payments			
3	Local Crime Victims Assistance Fund (OCGA 15-21-131)	Full Payments	\$	5% of column (3)	\$
		Partial Payments			\$
4	Brain and Spinal Injury Trust Fund (OCGA 15-21-149)	Full Payments	\$	10% of column (3)	\$
		Partial Payments			\$
5	Crime Lab Fee (OCGA 42-8-34)	Felony		\$50 x column (1)	\$
		Misdemeanor		\$25 x column (1)	\$
		Partial Payments			\$
SECTION 2 – INDIGENT DEFENSE					
6	Civil Action Surcharges (OCGA 15-21A-6)			\$15 x column (1)	\$
7	POPIDF-B (OCGA 15-21-73(a)(1)(B) and (a)(2)(B) Bond Forfeitures	Full Payments	\$	10% x column (3)	\$
		Partial Payments			\$
		Less than \$500	\$	10% x Column (1)	\$
		Greater than \$500	\$	\$50	\$
8	Indigent Defense Program Application (OCGA 15-21A-6)			\$50 x column (1)	\$
GRAND TOTAL OF ALL COLLECTIONS					\$

Please make all checks payable to: Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA)
Please mail all checks and forms to: GSCCCA Fines and Fees Division, P.O. Box 29645, Atlanta, GA 30359

CHECK NUMBER(S): _____

CHECK AMOUNTS: _____

Pursuant to O.C.G.A. § 15-21-132 et. seq, I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified.

Clerk of Court/Judge

CONSOLIDATED MONTHLY REMITTANCE REPORT – MUNICIPAL COURT
(INCLUDING MAYOR’S, CITY, POLICE, AND RECORDER’S COURTS)

Report Month: _____ Report Year: _____ Report Date: _____ County: _____ City: _____

Clerk/Court Officer Filing Report: _____ Phone: _____ ORI: _____

	(1)	(2)	(3)	(4)	(5)
	No. of Cases	Amount of Original Fine and/or Bond Forfeiture	Total Amount of Fines and/or Bond Forfeitures	Computation of Amount Collected	Amount Collected
SECTION 1 - CRIMINAL					
1	POPIDF-A (f/k/a POPTF) (OCGA 15-21-73(a)(1)(A) and (a)(2)(A))	\$1 - \$499.99	\$	10% of column (3)	\$
		\$500 +	\$	\$50 x column (1)	\$
		Partial Payments			
2	Georgia Crime Victims Emergency Fund (OCGA 15-21-112 for conviction of OCGA 40-6-391 (DUI of alcohol/drugs)	\$26	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		\$25	\$	Column (1) x \$25 for pre July 1, 2004 offenses	\$
		Partial Payments			
3	Local Crime Victims Assistance Fund (OCGA 15-21-131)	Full Payments	\$	5% of column (3)	\$
		Partial Payments			\$
4	Brain and Spinal Injury Trust Fund (OCGA 15-21-149)	Full Payments	\$	10% of column (3)	\$
		Partial Payments			\$
5	Crime Lab Fee (OCGA 42-8-34)	Felony		\$50 x column (1)	\$
		Misdemeanor		\$25 x column (1)	\$
		Partial Payments			\$

SECTION 2 – INDIGENT DEFENSE					
6	Civil Action Surcharges (OCGA 15-21A-6)			\$15 x column (1)	\$
7	POPIDF-B (OCGA 15-21-73(a)(1)(B) and (a)(2)(B)	Full Payments	\$	10% x column (3)	\$
		Partial Payments			\$
	Bond Forfeitures	Less than \$500	\$	10% x Column (1)	\$
		Greater than \$500	\$	\$50	\$
8	Indigent Defense Program Application (OCGA 15-21A-6)			\$50 x column (1)	\$

GRAND TOTAL OF ALL COLLECTIONS	\$
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Please make all checks payable to: Georgia Superior Court Clerks’ Cooperative Authority (GSCCCA)
Please mail all checks and forms to: GSCCCA Fines and Fees Division, P.O. Box 29645, Atlanta, GA 30359

CHECK NUMBER(S): _____ CHECK AMOUNTS _____

Pursuant to O.C.G.A. § 15-21-132 et. seq, I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified

Clerk of Court/Judge

CONSOLIDATED MONTHLY REMITTANCE REPORT - PROBATE COURT

Report Month: _____ Report Year: _____ Report Date: _____ County: _____

Clerk/Court Officer Filing Report: _____ Phone: _____ ORI: _____

	(1)	(2)	(3)	(4)	(5)
	No. of Cases	Amount of Original Fine and/or Bond Forfeiture	Total Amount of Fines and/or Bond Forfeitures	Computation of Amount Collected	Amount Collected
SECTION 1 - CIVIL					
1	Marriage License Fee (O.C.G.A. § 15-9-60.1)			\$15.00 x column (1)	\$
SECTION 2 - CRIMINAL					
2	POPIDF-A (f/k/a POPTF) (OCGA 15-21-73(a)(1)(A) and (a)(2)(A))	\$1 - \$499.99	\$	10% of column (3)	\$
		\$500 +	\$	\$50 x column (1)	\$
		Partial Payments			\$
3	Georgia Crime Victims Emergency Fund (OCGA 15-21-112 for conviction of OCGA 40-6-391 (DUI of alcohol/drugs)	\$26	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		\$25	\$	Column (1) x \$25 for pre July 1, 2004 offenses	\$
		Partial Payments			\$
4	Local Crime Victims Assistance Fund (OCGA 15-21-131)	Full Payments	\$	5% of column (3)	\$
		Partial Payments			\$
5	Brain and Spinal Injury Trust Fund (OCGA 15-21-149)	Full Payments	\$	10% of column (3)	\$
		Partial Payments			\$
6	Crime Lab Fee (OCGA 42-8-34)	Felony		\$50 x column (1)	\$
		Misdemeanor		\$25 x column (1)	\$
		Partial Payments			\$
SECTION 3 - INDIGENT DEFENSE					
7	Civil Action Surcharges (OCGA 15-21A-6)			\$15 x column (1)	\$
8	POPIDF-B (OCGA 15-21-73(a)(1)(B) and (a)(2)(B) Bond Forfeitures	Full Payments	\$	10% x column (3)	\$
		Partial Payments			\$
		Less than \$500	\$	10% x Column (1)	\$
		Greater than \$500	\$	\$50	\$
9	Indigent Defense Program Application (OCGA 15-21A-6)			\$50 x column (1)	\$
GRAND TOTAL OF ALL COLLECTIONS					\$

Please make all checks payable to: Georgia Superior Court Clerks' Cooperative Authority (GSCCCA)
Please mail all checks and form to: GSCCCA Fines and Fees Division, P.O. Box 29645, Atlanta, GA 30359

CHECK NUMBER(S): _____ **CHECK AMOUNTS:** _____
 Pursuant to O.C.G.A. § 15-21-132 et. seq, I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified.

Clerk of Court/Judge

CONSOLIDATED MONTHLY REMITTANCE REPORT – STATE COURT

Report Month: _____ Report Year: _____ Report Date: _____ County: _____

Clerk/Court Officer Filing Report: _____ Phone: _____ ORI: _____

	(1)	(2)	(3)	(4)	(5)
	No. of Cases	Amount of Original Fine and/or Bond Forfeiture	Total Amount of Fines and/or Bond Forfeitures	Computation of Amount Collected	Amount Collected
SECTION 1 - CRIMINAL					
2	POPIDF-A (f/k/a POPTF) (OCGA 15-21-73(a)(1)(A) and (a)(2)(A))	\$1 - \$499.99	\$	10% of column (3)	\$
		\$500 +	\$	\$50 x column (1)	\$
		Partial Payments			
3	Georgia Crime Victims Emergency Fund (OCGA 15-21-112 for conviction of OCGA 40-6-391 (DUI of alcohol/drugs)	\$26	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		\$25	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		Partial Payments			
4	Local Crime Victims Assistance Fund (OCGA 15-21-131)	Full Payments	\$	5% of column (3)	\$
		Partial Payments			\$
5	Brain and Spinal Injury Trust Fund (OCGA 15-21-149)	Full Payments	\$	10% of column (3)	\$
		Partial Payments			\$
6	Crime Lab Fee (OCGA 42-8-34)	Felony		\$50 x column (1)	\$
		Misdemeanor		\$25 x column (1)	\$
		Partial Payments			\$
SECTION 2 – INDIGENT DEFENSE					
7	Civil Action Surcharges (OCGA 15-21A-6)			\$15 x column (1)	\$
8	POPIDF-B (OCGA 15-21-73(a)(1)(B) and (a)(2)(B)	Full Payments	\$	10% x column (3)	\$
		Partial Payments			\$
	Bond Forfeitures	Less than \$500	\$	10% x Column (1)	\$
		Greater than \$500	\$	\$50	\$
9	Indigent Defense Program Application (OCGA 15-21A-6)			\$50 x column (1)	\$
GRAND TOTAL OF ALL COLLECTIONS					\$

Please make all checks payable to: Georgia Superior Court Clerks' Cooperative Authority (GSCCCA)
Please mail all checks and forms to: GSCCCA Fines and Fees Division, P.O. Box 29645, Atlanta, GA 30359

CHECK NUMBER(S): _____ **CHECK AMOUNTS:** _____

Pursuant to O.C.G.A. § 15-21-132 et. seq, I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified.

Clerk of Court/Judge

CONSOLIDATED MONTHLY REMITTANCE REPORT - SUPERIOR COURT

Report Month: _____ Report Year: _____ Report Date: _____ County: _____

Clerk/Court Officer Filing Report: _____ Phone: _____ ORI: _____

	(1) No. of Cases	(2) Amount of Original Fine and/or Bond Forfeiture	(3) Total Amount of Fines and/or Bond Forfeitures	(4) Computation of Amount Collected	(5) Amount Collected
SECTION 1 - CIVIL					
1	Divorce Surcharge (OCGA 15-6-77.4)			\$5.00 x column (1)	\$
SECTION 2 - CRIMINAL					
2	POPIDF-A (f/k/a POPTF) (OCGA 15-21-73(a)(1)(A) and (a)(2)(A))	\$1 - \$499.99	\$	10% of column (3)	\$
		\$500 +	\$	\$50 x column (1)	\$
		Partial Payments			\$
3	Georgia Crime Victims Emergency Fund (OCGA 15-21-112 for conviction of OCGA 40-6-391 (DUI of alcohol/drugs)	\$26	\$	Column (1) x \$26 for post July 1, 2004 offenses	\$
		\$25	\$	Column (1) x \$25 for pre July 1, 2004 offenses	\$
		Partial Payments			\$
4	Local Crime Victims Assistance Fund (OCGA 15-21-131)	Full Payments	\$	5% of column (3)	\$
		Partial Payments			\$
5	Brain and Spinal Injury Trust Fund (OCGA 15-21-149)	Full Payments	\$	10% of column (3)	\$
		Partial Payments			\$
6	Crime Lab Fee (OCGA 42-8-34)	Felony		\$50 x column (1)	\$
		Misdemeanor		\$25 x column (1)	\$
		Partial Payments			\$
SECTION 3 - INDIGENT DEFENSE					
7	Civil Action Surcharges (OCGA 15-21A-6)			\$15 x column (1)	\$
8	POPIDF-B (OCGA 15-21-73(a)(1)(B) and (a)(2)(B))	Full Payments	\$	10% x column (3)	\$
		Partial Payments			\$
	Bond Forfeitures	Less than \$500	\$	10% x Column (1)	\$
		Greater than \$500	\$	\$50	\$
9	Indigent Defense Program Application (OCGA 15-21A-6)			\$50 x column (1)	\$
GRAND TOTAL OF ALL COLLECTIONS					\$

Please make all checks payable to: Georgia Superior Court Clerks' Cooperative Authority (GSCCCA)

Please mail all checks and forms to: GSCCCA Fines and Fees Division, P.O. Box 29645, Atlanta, GA 30359

CHECK NUMBER(S): _____ CHECK AMOUNTS: _____

Pursuant to O.C.G.A. § 15-21-132 et. seq, I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified.

Clerk of Court/Judge

MONTHLY DISBURSEMENT REPORT

Report Month: _____ Report Year: _____ Report Date: _____ County: _____
 Court Name: _____ Phone: _____ ORI: _____

Fund		Total Disbursements
1.	ADR - Alternative Dispute Resolution	\$
2.	CITY - City General Fund	\$
3.	COUNTY - County General Fund	\$
4.	CRF - Clerk Retirement Fund	\$
5.	DATE - Drug Abuse Treatment and Education (O.C.G.A. § 15-21-100)	\$
6.	JAIL - County Jail Fund (O.C.G.A. § 15-21-93)	\$
7.	LL - Law Library (O.C.G.A. § 36-15-9 and 15-6-77)	\$
8.	POABF - Peace Officer's Annuity and Benefit Fund	\$
9.	PRF - Probate Retirement Fund	\$
10.	PUB - Publication Fee	\$
11.	REST - Restitution	\$
12.	SRF - Sheriff's Retirement Fund	\$
13.	IDAF Indigent Defense Application Fee – kept LOCAL	\$
14.	PROB - Probation Fees collected and remitted directly by Probation office (state, local and private)	
	State Treasury (\$23/mo.) and Private Probation Supervision Fees	\$
	Crime Victims Emergency Fund (\$9 fee)	\$
	Restitution	\$
	Counseling Service Fees	\$
	Drug and Alcohol Service Fees	\$
Other		
Grand Total Collected		\$

I, the undersigned clerk/court officer of the above-named court, hereby certify that, to the best of my knowledge, the above and foregoing is a true and correct account of all above-referenced funds collected for the month specified.

Clerk of Court/Judge

INSTRUCTIONS: Please complete and return to the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA) by the last day of the month following the month of disbursement.

Phone Number

Email Address

ALL INQUIRIES SHOULD BE DIRECTED TO:
 FINES AND FEES DIVISION
 WEB: <http://www.courttrax.org>
 EMAIL: FinesAndFees@gsccca.org
 PHONE: (866) 847-4058

Notes