

March 2012

COURTS Payment and Disposition of Fines and Forfeitures: Require Collection Reports for Local Victim Assistance Programs

Georgia State University Law Review

Follow this and additional works at: <https://readingroom.law.gsu.edu/gsulr>

 Part of the [Law Commons](#)

Recommended Citation

Georgia State University Law Review, *COURTS Payment and Disposition of Fines and Forfeitures: Require Collection Reports for Local Victim Assistance Programs*, 17 GA. ST. U. L. REV. (2012).

Available at: <https://readingroom.law.gsu.edu/gsulr/vol17/iss1/50>

This Peach Sheet is brought to you for free and open access by the Publications at Reading Room. It has been accepted for inclusion in Georgia State University Law Review by an authorized editor of Reading Room. For more information, please contact mbutler@gsu.edu.

COURTS

*Payment and Disposition of Fines and Forfeitures:
Require Collection Reports for Local
Victim Assistance Programs*

CODE SECTION: O.C.G.A. § 15-21-132 (amended)
BILL NUMBER: HB 1264
ACT NUMBER: 838
GEORGIA LAWS: 2000 Ga. Laws 1359
SUMMARY: The Act amends Title 15 of the Georgia Code as it relates to the funding of local victim assistance programs. The Act requires the court officer who is charged with collecting and distributing funds to submit a monthly report and a list of the organizations, agencies, and programs that were given money by that court officer to the Criminal Justice Coordinating Council that provides an accounting of the funds.
EFFECTIVE DATE: July 1, 2000

History

In 1995, the State of Georgia enacted a law that allowed some state criminal and traffic courts to add an additional five percent penalty to fines imposed on defendants.¹ The additional moneys collected were to be diverted to county victims' service provider programs that assist crime victims with housing, counseling, and other rehabilitation needs.² Programs that would benefit from this funding were to include witness protection programs, domestic violence programs, sexual assault support programs, and rape crisis centers.³

-
1. See 1995 Ga. Laws 260, § 3, at 263 (codified at O.C.G.A. § 15-21-131 (1999)).
 2. See 1995 Ga. Laws 260, § 3, at 263 (formerly found at O.C.G.A. § 15-21-132 (1999)).
 3. See Telephone Interview with Claire Pearson, Georgia Network to End Sexual Assault (June 7, 2000).

Many victims' rights groups did not actually receive money from the county commissions.⁴ Instead, in some cases, the counties used the funds for other needs.⁵ As a result, victims' rights groups asked the Georgia General Assembly to put into place a mechanism through which the money could be monitored and tracked.⁶ The bill was designed to provide accountability and a reporting structure for the state to ensure that individual counties were allocating the funds properly.⁷ By passing HB 1264, the General Assembly clarified how the five percent additional penalty money was to be reported and spent.⁸

HB 1264

Introduction

Representative Tom Bordeaux of the 151st District was the sole sponsor of HB 1264.⁹ HB 1264 was introduced on the House floor on January 26, 2000.¹⁰ The House assigned the bill to its Judiciary Committee, which favorably reported the bill, as substituted.¹¹ The House adopted the Judiciary Committee substitute and passed the bill unanimously on February 8, 2000.¹² On February 9, 2000, the bill was assigned to the Senate Special Judiciary Committee, which favorably reported the bill, as substituted, on February 15, 2000.¹³ The Senate adopted the Special Judiciary Committee substitute and passed the bill unanimously on February 21, 2000.¹⁴ The Senate then returned the bill to the House on February 23, 2000, and the House agreed to the Senate version.¹⁵ The General Assembly then sent the bill

4. *See id.*

5. *See id.* For example, one county used the funds to build a new animal shelter, another to buy walkie-talkies for the sheriff's office. *See id.*

6. *See id.*; *see also* Telephone Interview with Rep. Tom Bordeaux, House District No. 151 (June 7, 2000) [hereinafter Bordeaux Interview].

7. *See* Bordeaux Interview, *supra* note 6.

8. *See id.*

9. *See* HB 1264, as introduced, 2000 Ga. Gen. Assem.

10. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

11. *See id.*

12. *See* Georgia House of Representatives Voting Record, HB 1264 (Feb. 8, 2000).

13. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

14. *See* Georgia Senate Voting Record, HB 1264 (Feb. 21, 2000).

15. *See* Georgia House of Representatives Voting Record, HB 1264 (Feb. 23, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

to Governor Roy Barnes on March 27, 2000.¹⁶ The Governor signed HB 1264 into law on May 1, 2000.¹⁷

Consideration by the House

After the bill was introduced in the House, it was assigned to the House Judiciary Committee.¹⁸ Both the original bill and the Judiciary Committee substitute provided that the court officer who collected the additional fines authorized by Code section 15-21-133 would submit a monthly financial accounting report showing the organizations or programs that received the funds.¹⁹ Both the original version and the Committee substitute further provided that this report be submitted to the Criminal Justice Coordinating Council to enable coordination of local, state, and federal funding allocations.²⁰

The substitute deleted a provision which would have amended Code section 15-21-134 relating to penalties.²¹ This amendment to the Code would have made it a misdemeanor for a court officer's failure to collect the funds, remit them, or write the financial report to the Criminal Justice Coordinating Council.²² The House Judiciary Committee deleted this section because the members felt that it would be too difficult to enforce such a law.²³

The House unanimously passed the bill, as substituted, on February 8, 2000.²⁴ The House referred the bill to the Senate Special Judiciary Committee on February 9, 2000.²⁵

16. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

17. See 2000 Ga. Laws 1359, § 2, at 1360.

18. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

19. Compare HB 1264, as introduced, 2000 Ga. Gen. Assem., with HB 1264 (HCS), 2000 Ga. Gen. Assem.

20. Compare HB 1264, as introduced, 2000 Ga. Gen. Assem., with HB 1264 (HCS), 2000 Ga. Gen. Assem.

21. Compare HB 1264, as introduced, 2000 Ga. Gen. Assem., with HB 1264 (HCS), 2000 Ga. Gen. Assem.

22. Compare HB 1264, as introduced, 2000 Ga. Gen. Assem., with HB 1264 (HCS), 2000 Ga. Gen. Assem.

23. See Bordeaux Interview, *supra* note 6. The Judiciary Committee thought it unlikely that district attorneys would prosecute the misdemeanor. See *id.* Consequently, the legislators saw no point in leaving the misdemeanor provision in the bill. See *id.*

24. See Georgia House of Representatives Voting Record, HB 1264 (Feb. 8, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

25. See State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

Consideration by the Senate

The Senate Special Judiciary Committee favorably reported the bill, as substituted, on February 15, 2000.²⁶ The Senate Committee substitute amended the bill to require financial reports of disbursements not only to organizations or programs but also to government and independent agencies.²⁷ It also specified that the disbursement reports must indicate the agencies, organizations, and programs that *directly* received the funds from that court officer.²⁸ On February 21, 2000, the Senate unanimously passed the bill, as substituted.²⁹

From the Senate to Version As Passed

The bill returned to the House on February 23, 2000, and the House unanimously agreed to the Senate version.³⁰ The bill was sent to Governor Roy Barnes on March 27, 2000.³¹ Governor Barnes signed HB 1264 into law on May 1, 2000.³²

The Act

Section 1 of the Act amends Code section 15-21-132, which provides funding for local victim assistance programs, by adding a new subsection that requires the court officer who is responsible for collecting fines and fees under that Code section to submit a monthly report to the state's Criminal Justice Coordinating Council.³³ This report must state the amount of fines and fees collected and list the agencies, organizations, and programs that directly received those funds from the court officer during the same period.³⁴ The Act indicates that this

26. *See id.*

27. *Compare* HB 1264 (HCS), 2000 Ga. Gen. Assem., *with* HB 1264 (SCS), 2000 Ga. Gen. Assem.

28. *Compare* HB 1264 (HCS), 2000 Ga. Gen. Assem., *with* HB 1264 (SCS), 2000 Ga. Gen. Assem.

29. *See* Georgia Senate Voting Record, HB 1264 (Feb. 21, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

30. *See* Georgia House of Representatives Voting Record, HB 1264 (Feb. 23, 2000); State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

31. *See* State of Georgia Final Composite Status Sheet, Mar. 22, 2000.

32. *See* 2000 Ga. Laws 1359, § 2, at 1360.

33. *Compare* 1995 Ga. Laws 260, § 3, at 263 (formerly found at O.C.G.A. § 15-21-132 (1999)), *with* O.C.G.A. § 15-21-132(a.1) (Supp. 2000).

34. *Compare* 1995 Ga. Laws 260, § 3, at 263 (formerly found at O.C.G.A. § 15-21-132

report will allow the coordination of local, state, and federal funding for victim assistance programs and similar services and programs.³⁵ There was no opposition to the Act.³⁶

Laura D. Windsor

(1999)), *with* O.C.G.A. § 15-21-132(a.1) (Supp. 2000).

35. *Compare* 1995 Ga. Laws 260, § 3, at 263 (formerly found at O.C.G.A. § 15-21-132 (1999)), *with* O.C.G.A. § 15-21-132(a.1) (Supp. 2000).

36. *See* Georgia House of Representatives Voting Record, HB 1264 (Feb. 8, 2000); Georgia Senate Voting Record, HB 1264 (Feb. 21, 2000); Georgia House of Representatives Voting Record, HB 1264 (Feb. 23, 2000).