



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

CALLED MEETING

Agenda

Thursday, October 5, 2017 ♦ 9:00 AM

Putnam County Administration Building – Room 203

Opening

1. Welcome - Call to Order

Called Meeting

2. Discussion and possible action regarding the DATE funds

Closing

3. Adjournment

Backup material for agenda item:

2. Discussion and possible action regarding the DATE funds

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The Drug Abuse Treatment Education (DATE) Fund

The Drug Abuse Education and Treatment (DATE) fund is generated by a 50 percent surcharge that certain offenders have to pay as a part of their fine. This surcharge is added to the base fine and collected by the superior, state, magistrate, probate and municipal court clerks and a clerk of any other lower court. It must be paid to the county governing authority of the county where the crime was committed. For example, if a criminal fine is \$500, the DATE surcharge will be \$250. Last session, as part of Criminal Justice Reform, the legislature added to the list of crimes to which the 50 percent DATE surcharge will be charged. Additional felony drug offenses were added, as well as many misdemeanor offenses, such as DUI. This will result in a significant increase in funds remitted to the **county** for their DATE fund from **ALL** courts, including municipal, that hear DUI and other traffic cases.

The changes to this statute, as shown below, went into effect on July 1, 2012. It is very important that your county has a separate account for these funds. **The DATE fund can only be used for drug abuse treatment and education programs or a Drug/DUI court. The eligible programs funded with the DATE fund are at the discretion of the county governing authority, but many counties have by resolution created a DATE fund board or committee to make the decisions regarding funding requests and expenditure of funds.** However your county decides to handle the funds, it is very important that officials exercise appropriate fiscal control and accountability. All of the funds should run through the regular fiscal process for the county and no single person or official should have the sole authority over the funds.

The expanded list of offenses for which the surcharge is levied will result in a significant increase in funds for the DATE fund. It may be to the benefit of your county to contact the municipal courts and other traffic courts within the county to make sure they are aware of this new requirement. You can check the collections of the courts within your county by going to the Georgia Superior Court Clerk Cooperative Authority website that tracks the collection of fines and fees at <http://www.courttrax.org/reportsCanned.asp>. You may view the current amount of collections by going to heading "Reportable Funds" and scrolling down to the Drug Abuse Education and Treatment Fund.

The below statute lists the crimes to which the DATE surcharge is added. The highlighted portion shows the new crimes.

§ 15-21-100. Imposition of additional penalty for certain offenses.

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, 16-13-30.2, 16-13-30.3, 16-13-30.5, 16-13-31, 16-13-31.1, 16-13-32, 16-13-32.1, 16-13-32.2, 16-13-32.3, 16-13-32.4, 16-13-32.5, or 16-13-32.6, there shall be imposed as an additional penalty a sum equal to 50 percent of the original fine. The additional 50 percent penalty shall also be imposed in every case in which a fine is imposed for violation of:

- (1) Code Section 3-3-23.1;
- (2) Code Section 40-6-391; or
- (3) Code Section 40-6-393 or 40-6-394 if the offender was also charged with a violation of Code Section 40-6-391.

If no fine is provided for in the applicable Code section, and the judge places the defendant on probation, the fine authorized by Code Section 17-10-8 shall be applicable.

(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."

§ 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."

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(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:

(1) For drug abuse treatment and education programs relating to controlled substances, alcohol, and marijuana; and

(2) If a drug court division has been established in the county under Code Section 15-1-15, for purposes of the drug court division.

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 or drug court divisions.

If you have questions or need additional information please contact Debra Nesbit dnesbit@accg.org.



Alabama County Court Judges Association

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