

Senate Bill 19

By: Senators Kirkpatrick of the 32nd, Summers of the 13th, Setzler of the 37th, Albers of the 56th, Ginn of the 47th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 provide for collection of passport application and processing fees by clerks of superior courts  
3 and probate court judges; to provide for written report disclosures; to provide for use of such  
4 fees; to provide for local Acts; to provide for applicability to judges of probate courts; to  
5 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code  
10 Section 15-6-77, relating to fees and construction of other fee provisions, by revising  
11 subsection (c) as follows:

12 "(c)(1) Any fees received as provided for in this Code section shall be paid into the  
13 county treasury less and except such sums as are otherwise directed to be paid by the  
14 clerk to another entity according to some other general law expressly providing for same,  
15 including, but not limited to, any sums pursuant to Code Section 15-6-61 and such sums

16 as are collected pursuant to Code Section 15-6-77.4, 15-6-98, 36-15-9, 45-17-4,  
17 or 47-14-51, which sums shall be remitted to such authorities as provided by law.

18 (2) Fees Except as otherwise provided in paragraph (3) of this subsection, fees, sums, or  
19 other remuneration for the performance of duties provided for under the laws of the  
20 United States or regulations promulgated pursuant to such laws shall be as provided in  
21 such laws or regulations as personal compensation to the clerk of the superior court for  
22 the performance of such duties.

23 (3)(A) Fees, sums, or other remuneration for the performance of passport duties  
24 provided for under the laws of the United States or regulations promulgated pursuant  
25 to such laws, including, but not limited to, passport application or processing fees, shall  
26 be subject to the requirements and limitations of this paragraph to the extent not  
27 otherwise required in such laws or regulations.

28 (B)(i) The clerk of the superior court shall disclose in a written report to the county  
29 governing authority, on a quarterly basis or on such other schedule as determined by  
30 the county governing authority, the total amount of all passport application or  
31 processing fees received by the clerk during such reporting period.

32 (ii) An amount equal to 50 percent of such fees as disclosed in such report shall be  
33 paid by the clerk into the general fund of the county.

34 (iii) An amount equal to 50 percent of such fees as disclosed in such report shall be  
35 retained by the clerk to be used solely for purposes of maintaining and operating the  
36 office of such clerk. All uses of such fees shall be specified in the disclosure report.

37 Such fees are expressly prohibited from being used to:

38 (I) Compensate or supplement the compensation of the clerk or any employee of  
39 the clerk's office; or

40 (II) Purchase non-work-related items or gifts for the clerk or any employee of the  
41 clerk's office.

42 (C) The General Assembly is authorized by local Act to change the percentage  
43 amounts to be retained by the clerk of the superior court and to be deposited into the  
44 general fund of the county pursuant to divisions (ii) and (iii) of subparagraph (B) of this  
45 paragraph.

46 (D) The clerk of the superior court shall not charge any additional passport application  
47 or processing fees other than fees specifically provided for under the laws of the United  
48 States or regulations promulgated pursuant to such laws."

49 **SECTION 2.**

50 Said title is further amended in Code Section 15-9-60, relating to fees of probate courts, by  
51 adding a new subsection to read as follows:

52 "(c.1)(1)(A) Fees, sums, or other remuneration for the performance of passport duties  
53 provided for under the laws of the United States or regulations promulgated pursuant  
54 to such laws, including, but not limited to, passport application or processing fees, shall  
55 be subject to the requirements and limitations of this paragraph to the extent not  
56 otherwise required in such laws or regulations.

57 (B)(i) The judge of the probate court shall disclose in a written report to the county  
58 governing authority, on a quarterly basis or on such other schedule as determined by  
59 the county governing authority, the total amount of all passport application or  
60 processing fees received by the judge during such reporting period.

61 (ii) An amount equal to 50 percent of such fees as disclosed in such report shall be  
62 paid by the judge into the general fund of the county.

63 (iii) An amount equal to 50 percent of such fees as disclosed in such report shall be  
64 retained by the judge to be used solely for purposes of maintaining and operating the  
65 office of the probate court. All uses of such fees shall be specified in the disclosure  
66 report. Such fees are expressly prohibited from being used to:

- 67 (I) Compensate or supplement the compensation of the judge or any employee of  
68 the judge of the probate court; or
- 69 (II) Purchase non-work-related items or gifts for the judge or any employee of the  
70 judge of the probate court.
- 71 (C) The General Assembly is authorized by local Act to change the percentage  
72 amounts to be retained by the judge of the probate court and to be deposited into the  
73 general fund of the county pursuant to divisions (ii) and (iii) of subparagraph (B) of this  
74 paragraph.
- 75 (D) The judge of the probate court shall not charge any additional passport application  
76 or processing fees other than fees specifically provided for under the laws of the United  
77 States or regulations promulgated pursuant to such laws.
- 78 (2) This subsection shall not apply to any judge of a probate court who is serving his or  
79 her term of office on January 1, 2024, during such term of office."

80 **SECTION 3.**  
81 This Act shall become effective on January 1, 2024.

82 **SECTION 4.**  
83 All laws and parts of laws in conflict with this Act are repealed.