

Senate Bill 446

By: Senators Walker III of the 20th, Kennedy of the 18th, Gooch of the 51st, Ginn of the 47th, Miller of the 49th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 17-6-4 of the Official Code of Georgia Annotated, relating to the
2 authorization of posting cash bonds generally, furnishing of receipt to person posting bond,
3 recordation of receipt of bond on docket, and disposal of unclaimed bonds, so as to provide
4 for unclaimed cash bonds; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 17-6-4 of the Official Code of Georgia Annotated, relating to the authorization
9 of posting cash bonds generally, furnishing of receipt to person posting bond, recordation of
10 receipt of bond on docket, and disposal of unclaimed bonds, is amended by revising
11 subsection (c) as follows:

12 "(c) In the event that any cash bail posted pursuant to this Code section or Code Section
13 17-6-5 is not later claimed by the surety on such bond after a period of ~~seven years from~~
14 ~~the later of either the date on which the defendant was required to appear in court two years~~
15 from the earlier of either the date of the surety being released from liability pursuant to
16 Code Section 17-6-31 or the date of disposition of the case by the prosecutor or the court,
17 including any appeal of a verdict or sentence, then the cash shall be paid into the general
18 fund of the county having trial venue of the case, as in the case of forfeited cash bonds,
19 provided that the officer who ~~accepted~~ is in possession of such cash bail shall first have
20 notified the surety, by mailing notice to such surety at the last address given by such surety,
21 that such funds shall be forfeited if they are not claimed within 90 days following the date
22 of mailing of such notice. Any claim by a surety for refund of a cash bail shall include
23 acceptable documentary proof of disposition of the case from the prosecuting official or
24 appropriate court records or such other documentation as may be acceptable to the official
25 holding such cash bail as proof that the case has been settled."

26

SECTION 2.

27 All laws and parts of laws in conflict with this Act are repealed.