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Via U.S. Mail and Email

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Ms. Rachel Rice
Project Manager
Georgia Superior Court Clerk's Cooperative Authority
Suite 100
1875 Century Blvd
Atlanta, Georgia 30345

Re: Law Library Fee Collection

Dear Ms. Rice:

This letter responds to your request for informal advice regarding the fees assessed for the purpose of creating county law libraries as established under O.C.G.A. §§ 36-15-1 *et seq.* Specifically, you inquired how the fee would be assessed under O.C.G.A. § 36-15-9. O.C.G.A. § 36-15-9 provides in relevant part:

(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...

...

Rachel Rice
June 18, 2018
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(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.

Based on the foregoing, it appears that the fee is assessed on each case that is docketed in front of the court, including all civil, criminal, and quasi-criminal cases. It appears that this fee is collected only once for each docketed case and is not collected for each count that may be enumerated in a case.


This application of O.C.G.A. § 36-15-9 is different than the application of other fines and fees statutes that are administered by GSCCCA because O.C.G.A. § 36-15-9(a) indicates that this fee is imposed on civil, criminal, and quasi-criminal cases. This is unlike most other statutes that impose a fine or fee to be collected by GSCCCA, as most of these statutes are specific to either criminal or civil cases. For example, fines collected pursuant to O.C.G.A. § 15-21A-6 are specific to civil cases, and are collected for each filing, regardless of the number of counts a case may contain. Conversely, fines associated with criminal cases are collected pursuant to GSCCCA Rule 1.15, which provides:

The term “case” shall mean, for the purposes of applying statutory fine and fee surcharges and statutory fine and fee deductions, each offense or count on a charging document where a fine is assessed and applied against an individual for the violation of a crime, traffic offense or ordinance violation by a court of competent jurisdiction.

However, it appears that neither this Rule nor the general application for civil fines and fees apply to O.C.G.A. § 36-15-9, as subsection (a) appears to contemplate collection of this fine for any case, not exclusively for either civil or criminal cases. Therefore, it appears that the fees associated with O.C.G.A. § 36-15-9 should be assessed once for each case that is docketed.

I hope this letter is helpful. Please keep in mind that this letter is informal advice and does not constitute the official or unofficial opinion of the Attorney General. Please do not hesitate to contact me if you have any questions.

Sincerely,



AMY L. PATTERSON
Assistant Attorney General

cc: John Earle, Director, Georgia Superior Court Clerk's Cooperative Authority