

Policy # 2002-1-13

PARTICIPATION IN AND DISTRIBUTION OF 5% CRIME VICTIM ASSISTANCE FUND

The Criminal Justice Coordinating Council serves as the administrative agency under O.C.G.A. § 15-21-132 for the local 5% Crime Victim Assistance Program Funds.

The Criminal Justice Coordinating Council has developed administrative rules to provide guidance for the local administration and distribution of the funds to certified victim assistance agencies.

Rockdale County hereby adopts as a policy the administrative rules regarding the distribution of 5% funds as amended October 14, 2001.

Pursuant to O.C.G.A. § 15-21-132, the Clerks of Court pay the funds directly to the Rockdale County District Attorney's Office.

Rockdale County hereby implements as a policy the administrative rules pertaining to the participation in and distribution of 5% Crime Victim Assistance Funds for Rockdale County.

The administrative rules pertaining to the participation in and distribution of 5% Crime Victim Assistance Funds are attached hereto and made a part hereof.

This policy approved this 17 day of April, 2002.

Rockdale County Board of Commissioners
Rockdale County, Georgia

By: Norman Wheeler
Norman Wheeler, Chairman

Attest:

M. P. Rutledge
County Clerk

I, Norman Wheeler Chairperson of the Rockdale County Board of Commissioners, certify that I understand and have incorporated into the operating policy and procedures of my office the administrative rules pertaining to the participation in and distribution of 5% Crime Victim Assistance Funds for the county.

Signature: Norman Wheeler

Date: April 17, 2002

Witnessed By: [Signature]

Date: April 17, 2002

In the space below, please indicate the Agencies that the County has elected to participate in.

144-6-.01

RULES OF CRIMINAL JUSTICE COORDINATING COUNCIL
CHAPTER 144-6-.01

Definitions

For purposes of approving, or certifying Crime Victim Assistance Projects, the following terms and phrases contained in O.C.G.A. Section 15-21-130 et seq. are defined:

- (a) "County" or "county governing body" refers to County Commission.
- (b) "County operation/participation" refers to a county's involvement in a victim assistance project, which includes cash or in kind contributions.
- (c) "Courts" refers to all Superior, State, Municipal, and Probate Courts.
- (d) "Court Officer" refers to a person charged with the duty of collecting moneys arising from criminal fines ordered by a court.
- (e) "Council" refers to the Criminal Justice Coordinating Council.
- (f) "Crime" refers to any criminal offense as defined by Title 16 of the Official Georgia Code Annotated or any other applicable Code Section.
- (g) "Eligible Applicant" refers to any governmental agency or private non-profit organization that meets all applicable certification criteria set forth by the Criminal Justice Coordinating Council.

(h) "Fine" refers to any criminal fine or criminal bond forfeiture ordered by a court.

(i) "approval shall be liberally granted" (emphasis added) refers to the Council certifying all victim assistance projects that meet applicable criteria set forth by it including but not limited to, satisfactorily providing at least ten (10) recognized fundamental services to innocent victims of crime contained in C.J.C.C.R. 144-6-.04, which is incorporated by reference.

(j) "designed to provide substantial assistance to victims of crime in understanding and dealing with the criminal justice system" (emphasis added) refers to those fundamental services contained in C.J.C.C.R. 144-6-.04, which is incorporated by reference.

(k) "Victim" refers to any innocent person against whom a crime has been perpetrated.

(l) "Victim assistance project" refers to any governmental agency or private non-profit organization that meets all applicable certification criteria set forth by the Council including but not limited to the coordination of direct services and the provision of at least ten (10) fundamental services to innocent victims of crime.

Authority O.C.G.A. § 35-6A-4(4).

144-6-.02

RULES OF CRIMINAL JUSTICE COORDINATING COUNCIL
CHAPTER 144-6-.02

Procedures

(a) Local Victim Assistance Add on Fine Collection and Distribution.

1. "In every case in which any court of this state or any municipality or political subdivision of this state shall impose a fine, which shall be construed to include costs, for any criminal offense or any criminal ordinance violation, there shall be imposed as an additional penalty a sum equal to five (5) percent of the original fine." O.C.G.A. Sec. 15-21-131(a).

2. "[S]uch sums shall be in addition to any amount required by O.C.G.A. Sec. 47-17-60 to be paid into the Peace Officers' Annuity Benefit Fund and in addition to any other amounts provided for in this chapter." O.C.G.A. Sec. 15-21-131(b).

3. "[T]he sums provided for in O.C.G.A. Sec. 15-21-131 shall be assessed and collected by the court officer charged with the duty of collecting monies arising from fines. . ." O.C.G.A. Sec. 15-21-132(a).

4. Once said monies are collected "the court officer charged with the duty of collecting moneys arising from fines" shall pay said monies over on a monthly basis to Crime Victim Assistance Projects that the County "participates in," or in the event no such projects exist, to the district attorney for that judicial circuit for the purpose of defraying the costs of victim assistance activities carried out by that office.

5. Where a county participates in more than one approved Crime Victim Assistance Program, the County Commission or consolidated government council responsible for administering the county treasury shall determine the percentage of the total funds collected pursuant to O.C.G.A. § 15-21-131 that each such program shall receive; provided, however that each such program can adequately present documentation to the County Commission or consolidated government council that it has met all certification criteria set forth by the Council. The County Commission or consolidated government council must not receive or maintain any O.C.G.A. § 15-21-131 funds in the county treasury unless the commission or consolidated government council is acting as a financial agent on behalf of the program whose individual program funds are maintained in the county treasury for administrative purposes.

6. "If the county where the fine was imposed does not operate or participate in a victim assistance program approved by the Council, then the monies shall be paid over to the district attorney of the judicial circuit in which the county is located for the purpose of defraying costs of victim assistance activities carried out by the district attorney's office. Such funds shall be paid over in the same manner as other county funds paid for operations of the district attorney's office and shall be in addition to rather than in lieu of any other such funds" O.C.G.A 15-21-132(a)(2). The victim assistance activities of the district attorney's office should include also, assistance to victims of juvenile offenses.

(b) Application for Project Certification by the Council.

1. Initially the Council will distribute to the criminal justice constituency an application guideline and application booklet under its Crime Victim Assistance Project Certification Program. Thereafter, these booklets will be made available upon request by the Council.

2. Any eligible victim assistance project desiring pertinent funds from criminal fines shall submit a completed application, including but not limited to supporting documentation, to the Council for its consideration.

3. Upon receipt of the application Council's staff shall within a reasonable time frame, review the application and forward to the applicant correspondence from the Council's Director either certifying its project as meeting all criteria set forth by the Council or rejecting its certification request.

4. If a project is denied approval it may within ten (10) days of receipt of any rejection letter appeal in writing to the Council's Crime Victim Assistance Advisory Committee. The Committee shall review the appeal at its next regularly scheduled meeting and may conduct a hearing to determine whether the appeal has any merit and may either affirm, overturn, or modify the initial decision.

5. If a project is determined to be approved, and in order to maintain certification it must provide data and other pertinent information deemed relevant when requested by the Council.

Authority O.C.G.A. § 35-6A-4(4).

144-6-.05

**RULES OF CRIMINAL JUSTICE COORDINATING COUNCIL
CHAPTER 144-6-.05**

Court Clerk Reporting Requirements

For purposes of the Council's administration of its Crime Victims Assistance Program Reporting Requirements as authorized under O.C.G.A. § 15-21-132(a.1), the following procedures are established.

(a) All clerks who collect and disburse funds to Crime Victim Assistance Programs shall send a monthly report of the amount collected and dispersed to the Criminal Justice Coordinating Council. The mailing address is 503 Oak Place, Suite 540, Atlanta, Georgia 30349.

(b) The monthly report shall state the amount collected, and the amounts dispersed to each Crime Victim Assistance Program as determined by the county commission or consolidated government counsel.

(c) A preferred form is provided for completion, however, the Council will accept any format which contains the required information.

Authority O.C.G.A. § 35-6A-4(4).



OFFICE OF THE GOVERNOR

CRIMINAL JUSTICE COORDINATING COUNCIL

503 Oak Place • Suite 540 • Atlanta, Georgia 30349

TEL. (404) 559-4949 • FAX 559-4960 • TTY 559-4177

Roy E. Barnes
Governor

March 15, 2002

L. Gale Buckner
Director

Mr. Norman Wheeler
Chairman
Rockdale County Board of Commissioners
958 Milstead Avenue
Conyers, Georgia 30207



RE: Rules governing the distribution of 5% Crime Victim Assistance Funds

Dear Mr. Wheeler:

The Criminal Justice Coordinating Council (CJCC) serves as the administrative agency under O.C.G.A. § 15-21-132 for the local 5% Crime Victim Assistance Program Funds. In this capacity, CJCC has developed administrative rules to provide guidance for the local administration and distribution of the funds to those agencies certified as a victim assistance agency by CJCC. As the administrating agency for these funds, CJCC is advising you of the applicable administrative rules governing the collection, distribution and reporting of 5% Crime Victim Assistance Funds in the State of Georgia.

Effective October 14, 2001, new administrative rules regarding the distribution of 5% funds were implemented. A copy of these administrative rules is enclosed with this letter. The major change to these rules pertains to 144-6-.02 (a) 5 which states that in no instance should a county retain the 5% funds; all funds are to be disbursed to certified agencies on a monthly basis by each applicable court clerk (either county or municipal).

Within each county, under Rule 144-6-.05, the Superior, State and Municipal Court Clerk(s) have the duty to collect the 5% add on fees and distribute the funds to those agencies certified by CJCC which the County Board of Commissioners has chosen to "participate" in. These funds should not be directly paid over to the county unless the county is the fiscal agent for a certified program that the County Board of Commissioners has elected to "participate" in.

For the purposes of this rule, "participate" refers to those certified agencies that the County Board of Commissioners has selected to allocate funding. It is completely within the County Board of Commissioners' discretion to determine the agency or agencies that the county wishes to "participate." However, if a county chooses not to participate with any agencies, under O.C.G.A. § 15-21-132, the funds are then to be paid over the District Attorney's Office.

March 15, 2002

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The Criminal Justice Coordinating Council, in its administrative capacity, requests that the authorized official of the County Board of Commissioners (i.e. the Chairperson), incorporate language into their operating policy and procedure to implement these administrative rules pertaining to the participation in and distribution of 5% Crime Victim Assistance Funds for the county.

Further, CJCC requests that the Chairperson of the County Board of Commissioners complete the attached form certifying that he or she understands these rules and has promulgated the appropriate policies and procedures governing the distribution of 5% Crime Victim Assistance Funds for the county. Please retain a copy of this form for your records and mail the original back to CJCC.

In the case of Court Clerks, CJCC requests that the Court Clerk (Municipal, State, Superior, and others as applicable) incorporate into their operating policy and procedures to implement these administrative rules pertaining to the collection and distribution of the 5% Crime Victim Assistance Funds to those certified agencies that the County Board of Commissioners has elected to participate in, or in absence of such a designation, to the District Attorney's Office for the applicable local Judicial Circuit.

Additionally, CJCC requests that the Court Clerk(s) within the county complete the attached form certifying that he or she understands these rules and has promulgated the appropriate policies and procedures governing the distribution of 5% Crime Victim Assistance Funds for their applicable court. Please retain a copy of this form for your records and mail the original back to CJCC.

If you should have any questions or concerns, please do not hesitate to contact myself or Joe Hood, Division Director of Grants Administration, at 404-559-4949 extensions 102 or 116, respectively.

Sincerely,



L. Gale Buckner
Director

LGB: JWH: EEF: adf
Attachments