

LUMPKIN COUNTY RESOLUTION NO. 2014 – 05

**A RESOLUTION TO RESTATE AND READOPT
THE
JAIL CONSTRUCTION AND STAFFING ACT (LUMPKIN COUNTY ORDINANCE 90.2)**

Whereas, the Jail Construction and Staffing Act was adopted in 1990, and,

Whereas, the codification of existing resolutions, ordinances and laws into the Code of Ordinances of Lumpkin County Georgia inadvertently omitted this provision, and,

Whereas, it is desired that the provisions set out in said ordinance be a part of the Code of Ordinances; and,

WHEREAS, The General Assembly of the State of Georgia enacted into law at its 1989 session the "Jail Construction and Staffing Act" (O.C.G.A. 15-21-90. et. seq.), authorizing additional penalty assessments in criminal and traffic cases and cases involving violations of ordinances of political subdivisions so that the proceeds derived therefrom may be used for construction, operation and staffing of jails, correctional institutions and detention facilities by counties; and,

WHEREAS, The Jail Construction and Staffing Act provides that such additional penalties shall not be imposed or collected in any court in any county until the governing authority of the county adopts a resolution placing the Act in effect; and,

WHEREAS, it is the intent and desire of the Lumpkin County Board of Commissioners as the governing authority of Lumpkin County, to have imposed and collected by the courts in this county the additional penalties provided for in the jail construction and staffing act and to expend the monies collected for the purposes set out in the Act.

NOW, THEREFORE, BE IT RESOLVED that the Jail Construction and Staffing Act shall be adopted to provide as follows:

1. In every case in which any court in this county (including any court of the City of Dahlonega so long as there exists an intergovernmental contract as provided for herein) shall impose a fine, which shall be construed to include costs, for any offense against a criminal or traffic law of this State or any offense against a county or municipal ordinance there shall be imposed as an additional penalty a sum equal to 10 percent of the original fine; and,
2. At the time of posting bail or bond in any case involving a violation of a criminal or traffic law of this State or a violation of a county or municipal ordinance, an additional sum equal to 10 percent of the original amount of bail or bond shall be posted. In every case in which any court of this county (including any court of the City of Dahlonega so long as there exists an intergovernmental contract as provided for herein) shall order the forfeiture of bail or bond the additional sum of 10 percent of the original bail or bond shall be collected; and,

3. Imposition of any of the additional penalties set forth above shall be in addition to that 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; and,

4. Each and every one of the additional penalties as herein prescribed shall be assessed and collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and forfeited bonds. Such additional penalties shall be paid over to the County governing authority by the 10th day of the month following the month in which these sums are collected; and,

5. All such sums collected and paid over to the County governing authority shall be deposited into a special account which shall be known as the "county jail fund," and,

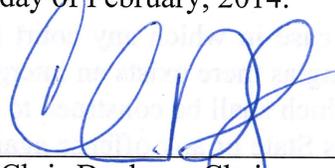
6. All moneys collected pursuant to this Resolution and placed in the county jail fund shall be expended solely and exclusively for constructing, operating, and staffing the Lumpkin County Jail or other Lumpkin County correctional facilities, or for such other purposes as specified in O.C.G.A. 15-21-95; and,

7. The additional penalties provided for by this Resolution shall not be imposed or collected in any court operated by any municipality located in Lumpkin County, unless the municipality and the county have entered into an Intergovernmental contract providing for use of the county jail, correctional institution, or detention facility by municipal prisoners; and,

8. The levying of the additional penalties as provided by this Resolution and Ordinance shall be effective as of March 1, 2014,

Be it further resolved that the County Clerk is directed to provide a copy of this resolution to the Municipal Code Corporation with the request that it be immediately included in the Code of Ordinances of Lumpkin County.

Resolved, adopted and effective this 25th day of February, 2014.



Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:



Kathleen C. Walker
Clerk, Lumpkin County