



THURBERT E. BAKER
ATTORNEY GENERAL

Department of Law
State of Georgia

40 CAPITOL SQUARE SW
ATLANTA, GA 30334-1300

VIA FACSIMILE/U.S. MAIL

June 7, 2004

WRITER'S DIRECT DIAL
(404) 651-6247
FAX (404) 657-3239

David R. Williams, Executive Director
Georgia Superior Court Clerks' Cooperative Authority
Suite 100
1875 Century Boulevard
Atlanta, Georgia 30345

Re: House Bill 1EX

Dear David:

This follows up our discussion of last week regarding O.C.G.A. § 15-21A-6(a) as enacted by House Bill 1EX. O.C.G.A. § 15-21A-6(a) provides as follows:

In addition to all other legal costs there shall be charged to the filing party and collected by the clerk an additional fee of \$15.00 in each civil action or case filed in the superior, state, probate, recorder's, mayor's, and magistrate courts except that municipalities, counties and political subdivisions shall be exempt from such fee. Without limiting the generality of the foregoing, such fee shall apply to 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 a civil nature. Any matter which is docketed upon the official dockets of the enumerated courts and to which a number is assigned shall be subject to such fee, whether such matter is contested or not.

(emphasis added). We specifically discussed the fact that the emphasized language does not make reference to juvenile courts. We also discussed the fact that there are a number of specific references to juvenile courts in other provisions of House Bill 1 EX. For example, Section 5 amends O.C.G.A. § 15-21-73(a)(1) to specifically refer to "state court, probate court, juvenile court, police, recorder's, or mayor's court, municipal court,

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or superior court.” O.C.G.A. § 15-21A-3, as enacted by Section 10, specifically states that:

As used in this Code section the term “court” means all trial courts within this state including, but not limited to, superior, juvenile, state, magistrate, probate, municipal, and special courts, whether called mayor’s court, recorder’s court, police courts, civil courts, traffic courts, or miscellaneous courts or any other trial court created in this state under any other name.

Similarly, O.C.G.A. § 15-21A-7, as enacted by Section 10, specifically states that:

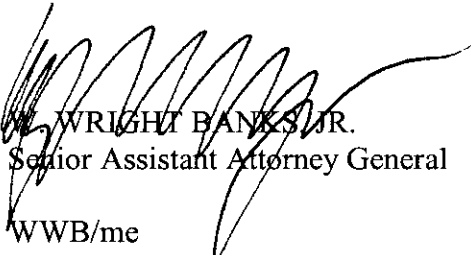
As used in this Code section the term “court” means all trial courts within this state including, but not limited to, superior, juvenile, state, magistrate, probate, municipal, and special courts, whether called mayor’s courts, recorder’s courts, police courts, civil courts, traffic courts, or miscellaneous courts or any other trial court created in this state under any other name.

Based on the specific inclusion of juvenile courts in the above-referenced provisions and the specific omission of juvenile courts from the language of O.C.G.A. § 15-21A-6(a), it appears fairly certain that the additional fee imposed by O.C.G.A. § 15-21A-6(a) is not intended to apply in juvenile courts.

I hope that this is helpful. If you would like to discuss, please contact me.

Please keep in mind that this letter is informal advice and does not constitute the official or unofficial opinion of the Attorney General.

Sincerely,


WRIGHT BANKS JR.
Senior Assistant Attorney General
WWB/me