

House Bill 990 (COMMITTEE SUBSTITUTE)

By: Representatives Murphy of the 18<sup>th</sup>, Cummings of the 27<sup>th</sup> and Richardson of the 26<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To create a new judicial circuit for the State of Georgia, to be known as the Paulding Judicial Circuit and to be composed of Paulding County; to provide for the judges and district attorneys of said new circuit and the Tallapoosa Judicial Circuit and their terms, selection, and compensation; to revise and restate certain provisions of law relating to the Tallapoosa Judicial Circuit and to enact provisions for the Paulding Judicial Circuit; to amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in general, so as to provide for the composition, terms of court, and number of judges of said circuits; to repeal specific Acts; to provide for other related matters; to provide for an effective date and implementation; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I**  
**SECTION 1-1.**

Effective July 1, 2002, there is created a new judicial circuit of the superior courts of this state to be known as the Paulding Judicial Circuit, which circuit shall be composed of Paulding County. There shall be a district attorney and two judges of the Paulding Judicial Circuit. The offices of judge and district attorney of the Paulding Judicial Circuit shall be filled as follows:

(1) The current district attorney of the Tallapoosa Judicial Circuit, Honorable James R. Osborne, who is a resident of Paulding County, shall become the district attorney of the Paulding Judicial Circuit. District Attorney Osborne shall serve out the current term of office for which he was selected, and his successor shall be elected by the voters of the Paulding Judicial Circuit at the 2002 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2002 or thereafter must be a resident of Paulding County;

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(2) Honorable William A. Foster, III, currently a judge of the Tallapoosa Judicial Circuit and a resident of Paulding County, shall become the chief judge of the Paulding Judicial Circuit. Judge Foster shall serve out the current term of office for which he was selected, and his successor shall be elected by the voters of the Paulding Judicial Circuit at the 2002 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2002 or thereafter must be a resident of Paulding County; and

(3) The second judge of the superior court of the Paulding Judicial Circuit shall be appointed by the Governor for a term beginning July 1, 2002, and expiring December 31, 2004. A successor to the judge so appointed shall be elected by the voters of the Paulding Judicial Circuit at the 2004 general election, and at the general election quadrennially thereafter, for a term of four years. A candidate for appointment or election to this office in 2002 or thereafter must be resident of Paulding County.

#### **SECTION 1-2.**

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Paulding County at such time as it was a part of the Tallapoosa Judicial Circuit, including all complaints, pleadings, petitions, indictments, special presentments, summonses, processes, motions, writs, and mesne and final proceedings, together with all books and records of any kind or character belonging to or issued, returnable, filed, pending, or commenced in such county, shall relate to, become a part of, and be transferred to the Paulding Judicial Circuit and its jurisdiction.

#### **SECTION 1-3.**

In addition to the compensation and expenses paid from state funds, each judge of the superior courts of the Paulding Judicial Circuit shall receive a supplemental expense allowance of \$18,000.00 per annum, payable in equal monthly installments from the funds of Paulding County.

#### **SECTION 1-4.**

In addition to the compensation and expenses paid from state funds, the district attorney of the Paulding Judicial Circuit shall receive a supplemental expense allowance of \$18,000.00 per annum, payable in equal monthly installments from the funds of Paulding County.

#### **SECTION 1-5.**

The governing authority of Paulding County shall be authorized, but not required, to authorize the employment of assistant district attorneys, deputy district attorneys, or other

1 attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance  
2 personnel, and other employees or independent contractors, as authorized under Code  
3 Section 15-18-20 of the Official Code of Georgia Annotated.

4 **PART II**  
5 **SECTION 2-1.**

6 Effective with the creation of the Paulding Judicial Circuit, there shall be a district attorney  
7 and two judges of the Tallapoosa Judicial Circuit, except that for the period of time  
8 beginning July 1, 2002, and ending December 31, 2002, there shall be three judges of the  
9 Tallapoosa Judicial Circuit. The offices of the judges and district attorney of the Tallapoosa  
10 Judicial Circuit shall be subject to the following provisions:

11 (1) The district attorney of the Tallapoosa Judicial Circuit shall be appointed by the  
12 Governor for a term beginning July 1, 2002, and expiring December 31, 2004. A  
13 successor to the district attorney so appointed shall be elected by the voters of the  
14 Tallapoosa Judicial Circuit at the 2004 general election, and at the general election  
15 quadrennially thereafter, for a term of four years. A candidate for appointment or  
16 election to this office in 2002 or thereafter must be a resident of Haralson County or Polk  
17 County;

18 (2) Honorable Richard Sutton, currently a judge of the Tallapoosa Judicial Circuit and a  
19 resident of Polk County, shall remain as a judge of the Tallapoosa Judicial Circuit. Judge  
20 Sutton shall serve out the current term of office for which he was selected, and his  
21 successor shall be elected by the voters of the Tallapoosa Judicial Circuit at the 2002  
22 general election next preceding the expiration of that term of office, and at the general  
23 election quadrennially thereafter, for a term of four years. A candidate for election to this  
24 office in 2002 or thereafter must be a resident of Haralson County or Polk County;

25 (3) Honorable Michael Murphy, currently a judge of the Tallapoosa Judicial Circuit and  
26 a resident of Haralson County, shall remain as a judge of the Tallapoosa Judicial Circuit.  
27 Judge Murphy shall serve out the current term of office for which he was selected, and  
28 his successor shall be elected by the voters of the Tallapoosa Judicial Circuit at the 2004  
29 general election next preceding the expiration of that term of office, and at the general  
30 election quadrennially thereafter, for a term of four years. A candidate for election to this  
31 office in 2004 or thereafter must be a resident of Haralson County or Polk County; and

32 (4) Honorable F. Marion Cummings, currently chief judge of the Tallapoosa Judicial  
33 Circuit and a resident of Polk County, shall remain as chief judge of the Tallapoosa  
34 Judicial Circuit for the remainder of the current term of office for which he was selected.  
35 No successor to Judge Cummings shall be selected or take office, and at the expiration

1 of his current term of office the number of judges of the Tallapoosa Judicial Circuit shall  
2 be reduced to two.

3 **SECTION 2-2.**

4 In addition to the compensation and expenses paid from state funds, each judge of the  
5 superior courts of the Tallapoosa Judicial Circuit shall receive a supplemental expense  
6 allowance of \$18,000.00 per annum, payable in equal monthly installments from the funds  
7 of Haralson and Polk counties. The governing authority of each such county shall pay that  
8 percentage of the total supplemental expense allowance that the population of the county  
9 bears to the total population of both such counties, according to the most recent United States  
10 decennial census.

11 **SECTION 2-3.**

12 In addition to the compensation and expenses paid from state funds, the district attorney of  
13 the Tallapoosa Judicial Circuit shall receive a supplemental expense allowance of \$18,000.00  
14 per annum, payable in equal monthly installments from the funds of Haralson and Polk  
15 counties. The governing authority of each such county shall pay that percentage of the total  
16 supplemental expense allowance that the population of the county bears to the total  
17 population of both such counties, according to the most recent United States decennial  
18 census.

19 **SECTION 2-4.**

20 The governing authorities of Haralson and Polk counties shall be authorized, but not  
21 required, to authorize the employment of assistant district attorneys, deputy district attorneys,  
22 or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness  
23 assistance personnel, and other employees or independent contractors, as authorized under  
24 Code Section 15-18-20 of the Official Code of Georgia Annotated. Any such authorization  
25 may be given by either county for any position to be paid from funds of that county or by  
26 concurrent action of both counties for any position to be paid jointly from funds of both  
27 counties.

28 **PART III**

29 **SECTION 3-1.**

30 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to  
31 superior courts in general, is amended in Code Section 15-6-1, relating to composition of  
32 judicial circuits, by adding a new paragraph (31.1) to read as follows:

"(31.1) Paulding Judicial Circuit, composed of the County of Paulding;"

and by striking paragraph (38) and inserting in its place a new paragraph to read as follows:

"(38) Tallapoosa Judicial Circuit, composed of the Counties of Haralson, Polk, and Paulding and Polk;"

### SECTION 3-2.

Said article is further amended in Code Section 15-6-2, relating to numbers of superior court judges, by adding a new paragraph (31.1) to read as follows:

"(31.1) Paulding Circuit ..... 2"

and by striking paragraph (38) and inserting in its place a new paragraph to read as follows:

"(38) Tallapoosa Circuit ..... 4 3".

### SECTION 3-3.

Said article is further amended in said Code Section 15-6-2 by again, at the later effective date specified in Part V of this Act, striking paragraph (38) and inserting in its place a new paragraph to read as follows:

"(38) Tallapoosa Circuit ..... 32".

### SECTION 3-4.

Said article is further amended in Code Section 15-6-3, relating to terms of court, by adding a new paragraph (31.1) to read as follows:

"(31.1) *Paulding Circuit*:

Paulding County - Second Monday in January and July."

and by striking paragraph (38) and inserting in its place a new paragraph to read as follows:

"(38) *Tallapoosa Circuit*:

(A) Haralson County - Third Monday in January and August.

~~(B) Paulding County - Third Monday in February and September.~~

~~(C)~~(B) Polk County - Third Monday in March and July.

Provided, however, that in the Tallapoosa Circuit, if the Monday set for the term of court to begin is a legal holiday, the term of court shall commence on the Tuesday next following that Monday."

## PART IV

## SECTION 4-1.

The following Acts are repealed in their entirety:

(1) An Act to provide salary supplements from county funds to the district attorney and judges of superior court of the Tallapoosa Judicial Circuit, approved April 9, 1999 (Ga. L. 1999, p. 4180);

(2) An Act relating to an assistant district attorney for the Tallapoosa Judicial Circuit, approved April 10, 1991 (Ga. L. 1991, p. 4750);

(3) An Act establishing terms of court for the Tallapoosa Judicial Circuit, approved April 11, 1979 (Ga. L. 1979, p. 519);

(4) An Act creating the office of assistant district attorney for the Tallapoosa Judicial Circuit, approved April 15, 1975 (Ga. L. 1975, p. 437); and

(5) An Act relating to the compensation of the district attorney (formerly solicitor-general) of the Tallapoosa Judicial Circuit, approved February 16, 1939 (Ga. L. 1939, p. 796), as amended by an Act approved March 13, 1957 (Ga. L. 1957, p. 599).

## **PART V**

### **SECTION 5-1.**

Notwithstanding the provisions of Code Section 1-3-4.1 of the Official Code of Georgia Annotated, this Act shall become effective July 1, 2002, except that:

(1) The provisions of this Act authorizing the Governor to make appointments and the provisions of this Act relating to the qualification and election of candidates in 2002 shall become effective for those purposes upon the approval of this Act by the Governor or upon its becoming law without such approval; and

(2) Section 3-3 of this Act shall become effective January 1, 2003.

### **SECTION 5-2.**

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