

House Bill 1339

By: Representatives McKinney of the 51<sup>st</sup>, Dean of the 48<sup>th</sup>, Brooks of the 54<sup>th</sup>, Stanley of the 50<sup>th</sup> and Stanley of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act re-creating a system of state courts of limited jurisdiction for each city of  
2 this state having a population of 300,000 or more according to the United States decennial  
3 census of 1990 or any future such census approved April 4, 1996 (Ga. L. 1996, p. 627), as  
4 amended by an Act approved April 2, 1998 (Ga. L. 1998, p. 559), an Act approved April 28,  
5 1999 (Ga. L. 1999, p. 830), and an Act approved April 20, 2000 (Ga. L. 2000, p. 483), so as  
6 to provide for a technical correction with respect to certain provisions regarding the  
7 establishment of such courts; to revise and change the census application; to redesignate the  
8 position of director as city court administrator; to provide for additional city court  
9 administrators; to provide for compensation and duties; to provide for compensation of the  
10 clerks of the courts; to change the qualifications of the clerks; to provide for removal; to  
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 An Act re-creating a system of state courts of limited jurisdiction for each city of this state  
15 having a population of 300,000 or more according to the United States decennial census of  
16 1990 or any future such census approved April 4, 1996 (Ga. L. 1996, p. 627), as amended  
17 by an Act approved April 2, 1998 (Ga. L. 1998, p. 559), an Act approved April 28, 1999 (Ga.  
18 L. 1999, p. 830), and an Act approved April 20, 2000 (Ga. L. 2000, p. 483), is amended by  
19 striking Section 1 and inserting in its place a new Section 1 to read as follows:

20 style="text-align:center">"SECTION 1.  
21 style="text-align:center">Establishment.

22 Pursuant to the provisions of Article VI, Section I of the Constitution of the State of  
23 Georgia, as amended, and the provisions of that constitutional amendment authorizing the  
24 General Assembly to create a new court or system of courts in each city having a

1 population of more than 300,000 and to provide jurisdiction of such court or system of  
 2 courts (Res. Act No. 81; H.R. 167-510; Ga. L. 1967, p. 963), which constitutional  
 3 amendment was specifically continued in force and effect on and after July 1, 1987, as a  
 4 part of the Constitution of the State of Georgia by an Act approved March 26, 1986 (Ga.  
 5 L. 1986, p. 4820), there is hereby established in each city of this state having a population  
 6 of 300,000 or more according to the United States decennial census of ~~1990~~ 2000 or any  
 7 future such census a court to be known as the city court of such city. Such courts shall be  
 8 considered courts of record and shall have a seal of appropriate design prescribed by the  
 9 governing authority of each city; and the minutes, records, and other books and files that  
 10 are required by law to be kept for the superior courts shall, in the same manner, so far as  
 11 the jurisdiction of state courts may render necessary, be kept in and for such courts."

## 12 SECTION 2.

13 Said Act is further amended by striking Section 14 and inserting in its place a new Section  
 14 14 to read as follows:

### 15 "SECTION 14.

16 Clerk and other court personnel; prohibition.

17 (a) There shall be a clerk of each such court, as many deputy clerks as there are regular  
 18 judges, and such clerical assistants as the judges determine necessary for the efficient  
 19 operation of the court. The clerk, deputy clerks, and clerical assistants shall be appointed  
 20 by the judges of each of such courts in conference. Deputy clerks and clerical assistants  
 21 and shall serve at their ~~the~~ discretion ~~of the judges~~. Any person appointed clerk shall be  
 22 ~~a resident of the city in which such court is located during his or her term of office.~~  
 23 ~~However, the residency requirement herein shall not apply to any person holding the~~  
 24 ~~position of clerk, but not a resident of the city, on the effective date of this Act.~~ The clerk  
 25 of court may be removed only for just cause. The annual salary of the clerk of court shall  
 26 be fixed by the governing authority of each city. However, the annual salary of the clerk  
 27 of court shall at no time be less than 75 percent of the annual salary of the judges of the  
 28 court.

29 (b) The clerk, deputy clerks, and clerical assistants shall have the same powers and duties  
 30 as like officers of the superior courts, as far as applicable to and not inconsistent with this  
 31 Act. Each clerk and deputy clerk shall be responsible for all moneys collected and shall  
 32 give bond for the faithful discharge of his or her duties in such amount as may be fixed by  
 33 the governing authority of each of such cities.

1 (c) The clerk shall further submit to the chief judges and city court administrators of such  
 2 courts recommendations for improving the efficiency and operation of the court; assist the  
 3 chief judges and city court administrators in the preparation of budgeting and fiscal reports  
 4 and documents as may be necessary for the proper operation and maintenance of the court;  
 5 maintain and keep the seal of such courts; and perform such other duties as may be  
 6 required by law or the chief judge or court administrator.

7 (d) The clerk and court personnel as provided herein are prohibited from practicing law  
 8 in their own or another's name, as a partner or otherwise, in any court except in their own  
 9 case."

### 10 SECTION 3.

11 Said Act is further amended by striking Section 22 and inserting in its place a new Section  
 12 22 to read as follows:

### 13 "SECTION 22.

14 Violation bureau; ~~director~~ city court administrators.

15 (a) The governing authority of each city may provide a violation bureau for the payment  
 16 of fines for violations of traffic ordinances of the city without offenders being required to  
 17 make an appearance in court. The fines for such offenses shall be in accord with a  
 18 schedule of fines determined by the chief judge. However, such procedures shall not be  
 19 available for violations involving an accident or driving while under the influence of  
 20 intoxicants, whether or not an accident occurs.

21 (b) There shall be a ~~director~~ city court administrator of the violation bureau who shall be  
 22 appointed by ~~and serve at the pleasure of~~ a majority of the judges and shall only be  
 23 removed for just cause.

24 (c) There shall be city court administrators who shall be appointed by a majority of the  
 25 judges and shall only be removed for just cause. The annual salary of the city court  
 26 administrators shall be fixed by the governing authority of each city. However, the annual  
 27 salary of the city court administrators shall at no time be less than 90 percent of the annual  
 28 salary of the judges of the court.

29 (d) The city court administrators shall assist the chief judge in the administration of the  
 30 business of the court."

### 31 SECTION 4.

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