

House Bill 1064 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Walker of the 141st, O'Neal of the 139th, Ray of the 128th and Floyd of the 138th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated,
2 relating to probate courts in general, so as to change provisions relating to additional
3 eligibility requirements for the office of judge of the probate court in certain counties; to
4 change the applicability of such additional requirements; to provide for continuing eligibility
5 of judges holding office at a certain time; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
10 probate courts in general, is amended by striking Code Section 15-9-4, relating to additional
11 eligibility requirements for the office of judge of the probate court in certain counties, and
12 inserting in its place a new Code section to read as follows:

13 "15-9-4.

14 (a) No person elected judge of the probate court in any county provided for in this Code
15 section shall engage in the private practice of law.

16 (b) Except as otherwise provided by subsection (c) of this Code section, in any county of
17 this state having a population of more than 96,000 persons according to the United States
18 decennial census of 1990 or any future such census and in which the probate court of such
19 county meets the definition of a probate court as provided by Article 6 of this chapter, no
20 person shall be judge of the probate court unless at the time of election, in addition to the
21 qualifications required by law, he or she has attained the age of 30 years and has been
22 admitted to practice law for seven years preceding election.

23 (c) A judge of the probate court holding such office on ~~July 1, 1994~~, June 30, 2000, shall
24 continue to hold such office and shall be allowed to seek reelection for such office.
25 Notwithstanding the requirement that in certain counties the judge of the probate court be
26 admitted to practice law for seven years preceding election, no decision, judgment, ruling

1 or other official action of any judge of the probate court shall be overturned, denied, or
2 overruled based solely on this requirement for qualification, election, and holding the office
3 of judge of the probate court."

4 **SECTION 2.**

5 This Act shall become effective July 1, 2002.

6 **SECTION 3.**

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