

House Bill 1816 (FLOOR SUBSTITUTE) (AM)

By: Representative Holland of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To create the State Court of Turner County; to specify the location of the court and provide
2 facilities therefore; to provide for jurisdiction, powers, practice, and procedure; to provide
3 for terms of court; to provide for case transfers from superior and probate courts; to provide
4 for method of case institution; to provide for state court judge and method of election and
5 appointment; to provide for qualifications of said state court judge; to provide for type of said
6 state court judge and compensation; to provide for courtroom and office space and facilities,
7 equipment, supplies, and personnel and the funding for such; to provide for judicial
8 assistance; to provide for solicitor-general and method of election and appointment; to
9 provide for qualifications of said solicitor-general; to provide for type of said
10 solicitor-general and compensation; to provide for courtroom and office space and facilities,
11 equipment, supplies, and personnel and the funding for such; to provide for clerk and sheriff
12 of said court and compensation; to provide for personnel, equipment, supplies, and materials
13 for clerk and sheriff for proper functioning of said state court; to provide for juror matters;
14 to provide effective dates; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Effective July 1, 2002, there is created the State Court of Turner County which shall have the
18 power, jurisdiction, and such rules of practice, pleading, procedure, evidence, execution and
19 enforcement of judgments, appellate practice and procedure, and any other matters as
20 provided by Chapter 7 of Title 15 of the O.C.G.A.

21 **SECTION 2.**

22 The State Court of Turner County shall be located in the county site of Turner County in
23 facilities provided by the governing authority of Turner County and shall have territorial
24 jurisdiction coextensive with the limits of said county.

SECTION 3.

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2 The State Court of Turner County shall have terms of court per year, which shall be held at
3 the same exact times as for Turner County within the Tifton Judicial Circuit, in the county
4 site of Turner County and such terms shall remain open for the transaction of business until
5 the next succeeding term. If the date fixed for the convening of any term is a legal holiday,
6 then that term shall begin on the next business day thereafter which is not a legal holiday.
7 Said court shall at all times be open for the purpose of receiving pleas of guilty in criminal
8 cases and passing sentence thereon and for the transaction of civil business before the court.
9 The State Court of Turner County shall be entitled to use the Courtroom of the Turner
10 County Courthouse and the court offices therein at all times not in conflict with the use of
11 said facilities by the Superior Court of Turner County, Georgia.

SECTION 4.

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13 (a) Any cases of a civil nature pending in the superior courts of the Tifton Judicial Circuit
14 on July, 2002, or thereafter, of which the State Court of Turner County has jurisdiction may
15 be transferred by the judge of the superior court to the State Court of Turner County by
16 consent of counsel of all parties and consent of the judge of the State Court of Turner County
17 and, having received all required consent, all parties shall thereafter stand for trial in said
18 state court as though originally filed therein.

19 (b) Any cases of a criminal nature pending in the superior courts of the Tifton Judicial
20 Circuit on July 1, 2002, or thereafter, of which the State Court of Turner County has
21 jurisdiction may be transferred by the judge of the superior court to the State Court of Turner
22 County by consent of the district attorney of said circuit and by consent of the judge of the
23 State Court of Turner County and, having received all required consent, all parties shall
24 thereafter stand for trial in said state court as though originally filed therein.

25 (c) The Probate Court of Turner County as of July 1, 2002 is divested of any jurisdiction
26 over traffic cases in Turner County, Georgia. Any cases pending in the Probate Court of
27 Turner County on July 1, 2002, or thereafter, of which the State Court of Turner County has
28 jurisdiction and of which the probate court is divested of jurisdiction pursuant to this Act
29 shall be immediately transferred by the judge of the probate court to the State Court of
30 Turner County and all parties shall thereafter stand for trial in said state court as though
31 originally filed therein.

SECTION 5.

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33 All prosecutions in criminal cases instituted in the State Court of Turner County shall be by
34 written accusation, uniform traffic citation, or summons as provided for by Code Section
35 17-7-71 of the O.C.G.A.

SECTION 6.

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2 There shall be a judge of the State Court of Turner County who shall be elected by the
3 qualified voters of Turner County, Georgia, in a nonpartisan election to be held and
4 conducted jointly with the general primary in 2004 and quadrennially thereafter in the
5 manner provided by law for the election of judges of the state courts of this state, whereupon
6 this state court judge thus elected shall serve a four-year term commencing January 1 of the
7 next year after the election, and until such judge's successor is elected and qualified;
8 provided, however, that the first judge of the State Court of Turner County shall be appointed
9 by the Governor for a term of office beginning July 1, 2002, and ending December 31, 2004.

SECTION 7.

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11 The judge of the State Court of Turner County shall have such qualifications, shall be vested
12 with all of the power and authority, and shall be subject to such restrictions and discipline
13 as provided in Chapter 7 of Title 15 of the O.C.G.A. The judge shall be authorized to adopt
14 local rules not inconsistent with general laws on rules applicable to the superior courts.

SECTION 8.

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16 The judge shall be a part-time judge within the meaning of Chapter 7 of Title 15 of the
17 O.C.G.A. and shall be paid an annual salary equal to 40 percent of the salary now or
18 hereafter paid to superior court judges. Said salary, which may also be supplemented by the
19 governing authority of Turner County, shall be payable out of the funds of Turner County
20 at the same intervals as installments are paid to other county employees. This amount of
21 compensation shall be increased by multiplying said amounts by the percentage which equals
22 5 percent times the number of completed four-year terms of office served by any judge
23 following December 31, 2004, effective the first day of January following the completion of
24 each such period of service.

SECTION 9.

25
26 The governing authority of Turner County shall furnish the judge of the State Court of
27 Turner County suitable courtroom space and facilities, a copy of the Official Code of
28 Georgia Annotated and annual supplements to the Code to keep it current, office space,
29 office equipment, computer equipment and programs, supplies, educational expenses and
30 travel expenses, secretarial expenses, and such personnel as may be considered necessary by
31 the judge to the proper functioning of the court. All of the expenditures authorized herein
32 are declared to be an expense of said court and payable out of the county treasury as such.
33 Such expenses may be paid directly or reimbursed to the judge. In addition to such expenses,
34 the judge shall be entitled to an annual expense allowance, payable in monthly installments,

1 in an amount equal to the expense allowance provided for members of the General Assembly
2 pursuant to Official Code of Georgia Section 45-7-4(a)(22)(C) and as may hereafter be
3 provided.

4 **SECTION 10.**

5 In the event that the judge of the State Court of Turner County is unable to preside in court
6 for any reason, is disqualified for any reason, or needs assistance for any reason then said
7 judge may avail himself or herself of support as provided by Chapters 1 and 7 of Title 15 of
8 the O.C.G.A. or may appoint a judge pro hac vice, who shall meet the same qualifications
9 as said state court judge, to serve in his or her absence.

10 **SECTION 11.**

11 There shall be a solicitor-general of the State Court of Turner County who shall be elected
12 by the qualified voters of Turner County, Georgia, in a nonpartisan election to be held and
13 conducted jointly with the general primary in 2004 and quadrennially thereafter in the
14 manner provided by law for the election of solicitor generals of the state courts of this state,
15 whereupon this state court solicitor general thus elected shall serve a four-year term
16 commencing January 1 of the next year after the election, and until such officer's successor
17 is elected and qualified; provided, however, that the first solicitor general shall be appointed
18 by the Governor of the State of Georgia for a term of office beginning July 1, 2002, and
19 ending December 31, 2004. The solicitor shall be a resident of Turner County unless no
20 resident of Turner County is qualified for such position, in which event the solicitor shall be
21 a resident of the Tifton Judicial Circuit.

22 **SECTION 12.**

23 The solicitor-general of said court shall have such qualifications, shall be vested with all of
24 the power and authority and shall be subject to such restrictions and discipline as provided
25 in Article 3 of Chapter 18 of Title 15 of the O.C.G.A.

26 **SECTION 13.**

27 The solicitor-general shall be a part-time solicitor-general within the meaning of Chapter 18
28 of Title 15 of the O.C.G.A., and he or she shall be paid an annual salary equal to 40 percent
29 of the salary now or hereafter paid to district attorneys. Said salary, which may also be
30 supplemented by the governing authority of Turner County, shall be payable out of the funds
31 of Turner County at the same intervals as installments are paid to other county employees.
32 The salary of said solicitor-general shall be an expense of said court and payable out of the
33 county treasury as such. This amount of compensation shall be increased by multiplying said

1 amounts by the percentage which equals 5 percent times the number of completed four-year
2 terms of office served by any solicitor general following December 31, 2004, effective the
3 first day of January following the completion of each such period of service.

4 **SECTION 14.**

5 The governing authority of Turner County shall furnish the solicitor-general of the State
6 Court of Turner County suitable courtroom space and facilities, a copy of the Official Code
7 of Georgia Annotated and annual supplements to the Code to keep it current, office space,
8 office equipment, computer equipment and programs, materials, supplies, educational
9 expenses and travel expenses, secretarial expenses, and such personnel as may be considered
10 necessary by the judge to the proper functioning of the court. All of the expenditures
11 authorized herein are declared to be an expense of said court and payable out of the county
12 treasury as such. Such expenses may be paid directly or reimbursed to the solicitor. In
13 addition to such expenses, the solicitor shall be entitled to an annual expense allowance,
14 payable in monthly installments, in an amount equal to the expense allowance provided for
15 members of the General Assembly pursuant to Official Code of Georgia Section 45-7-
16 4(a)(22)(C) and as may hereafter be provided.

17 **SECTION 15.**

18 The clerk of the Superior Court of Turner County shall be, by virtue of his or her office and
19 authority bestowed by Chapters 6 and 7 of Title 15 of the O.C.G.A., the clerk of the State
20 Court of Turner County and the sheriff of Turner County shall be, by virtue of his or her
21 office and authority bestowed by Chapter 16 of Title 15 of the O.C.G.A., the sheriff of said
22 state court; and each shall, on behalf of the county and as an expense of court, receive
23 compensation for services in said court as entitled to by Chapters 6, 7, and 16, respectively,
24 of Title 15 of the O.C.G.A.; provided, however, that the minimum such compensation for the
25 clerk and the sheriff shall be \$250.00, which shall be in addition to any other supplement.
26 The clerk of said state court shall have all authority bestowed upon him or her by Chapters
27 6 and 7 of Title 15 of the O.C.G.A. The clerk shall also supply all of the necessary
28 personnel, equipment, supplies, and materials for the proper functioning of said state court,
29 and the sheriff shall, likewise, do the same. All of the expenditures authorized herein are
30 declared to be an expense of said court and payable out of the county treasury as such;
31 provided, however, that the judge of the State Court of Turner County may appoint a person
32 other than the clerk of superior court in lieu of the clerk of superior court by order of the
33 court who shall have all the powers, duties, and compensation as if the clerk of superior court
34 acted in said capacity.

SECTION 16.

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2 Juror matters will be dealt with as provided in Chapter 7 of Title 15 of the O.C.G.A. In any
3 case in which a jury trial is desired, a demand for a jury trial shall be filed. In addition, for
4 the trial of any case in the Superior Court of Turner County or the State Court of Turner
5 County requiring the use of jurors, a jury pool is created. Jurors may be selected as
6 prescribed by law by either the judges of the Superior Court of Turner County or of the State
7 Court of Turner County to appear to be sworn and serve as jurors before their respective
8 courts only, unless the jurors are drawn pursuant to the provisions of subsection (b) of Code
9 Section 15-12-130 of the O.C.G.A. When there are not sufficient contested jury cases, or
10 there are no demands for a jury trial for cases pending in any term, the judge of the State
11 Court of Turner County, in his or her own discretion, may omit the drawing of a jury for any
12 term of said court; however, this will not prohibit said judge from having a nonjury calendar
13 during any term of court at which said judge omits having jury cases.

SECTION 17.

14
15 (a) The governing authority of Turner County is authorized to contract with the governing
16 authority of any municipality within Turner County for the county to furnish municipal court
17 services to the municipality as authorized by Article 5 of Chapter 7 of Title 15 of the
18 O.C.G.A.; and the governing authorities of such municipalities are likewise authorized to
19 enter into such contracts with the governing authority of Turner County.

20 (b) Any contract entered into pursuant to this section shall provide that the county shall
21 furnish municipal court services to the municipality through the officers, employees, and
22 facilities of the state court of the county. Any contract may provide for an additional
23 supplement to the salaries of the judge and the solicitor and reimbursement of costs to the
24 county. Any contract so entered into shall not become effective unless it is approved by the
25 state court judge then in office; and no such contract shall extend beyond the term of the
26 judge then in office.

27 (c) When acting as officers of the municipal court all judge and other officers of the state
28 court shall be styled as judge and officers of the municipal court; and all pleadings, process,
29 and papers of the municipal court shall be styled as such and not as pleadings, process, and
30 papers of the state court. The dockets and other records of the municipal court shall be kept
31 separately from those of the state court.

32 (d) Any limitations upon the punishment which may be imposed for violations of municipal
33 ordinances which are contained in the charter of the municipality shall continue to control
34 in municipal courts operated under this article, and if no such limitation exists the maximum
35 punishment imposed shall not exceed a fine of \$1,000.00 or six months' imprisonment or
36 both, unless some other general law authorizes greater punishment. Other charter provisions

1 not in conflict with this section shall continue to apply in municipal courts operated under
2 this Act.

3 **SECTION 18.**

4 The judge of the State Court of Turner County, the solicitor general of the State Court of
5 Turner County, and their office personnel shall be authorized to participate in any
6 employment benefit package available to any other employees of Turner County, Georgia,
7 upon such terms and conditions as applicable to other employees of Turner County, Georgia.

8 **SECTION 19.**

9 This Act shall become effective on July 1, 2002.

10 **SECTION 20.**

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