

House Bill 692

By: Representative Squires of the 78th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to clerks of the superior courts, so as to change the provisions relating to bonds and
3 deputies of the clerks of the superior courts; to amend Chapter 11 of Title 15 of the Official
4 Code of Georgia Annotated, relating to juvenile proceedings, parental rights, and mental
5 incompetency and dependency for juveniles, so as to provide for clerks of juvenile courts in
6 certain counties of this state having a population of 200,000 or less according to the United
7 States decennial census of 1990 or any future such census; to provide for a clerk's bond, and
8 to authorize employment of court personnel; to provide for related matters; to provide an
9 effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
13 clerks of the superior courts, is amended by striking in its entirety Code Section 15-6-59,
14 relating to bonds and appointment of deputies, and inserting in lieu thereof the following:
15 "15-6-59.

16 (a) The clerks of the superior courts, ~~except those appointed by a judge of the superior~~
17 ~~court and those becoming clerk by operation of law,~~ shall execute bond in the sum of
18 ~~\$25,000.00~~ not less than \$100,000.00, which amount may be increased ~~in any~~ by the clerk
19 of the superior court of the county by local Act upon the clerk determining that the amount
20 set forth in this subsection is insufficient to protect the pecuniary interests of the taxpayers
21 of his or her county. Additionally, the clerk of the superior court shall be authorized to
22 purchase any additional indemnity coverage that the clerk of the superior court deems
23 necessary to protect the citizens of his or her county from financial injury that may result
24 from errors, omissions, negligence, or any other act or inaction by the clerk or any person
25 employed by the clerk. Costs for bonds and indemnity coverage for the office of the clerk
26 of the superior court shall be paid by the governing authority of the county.

1 (b) The clerks of the superior courts shall have the power to appoint a deputy or deputies
 2 and ~~may~~ shall require from ~~him or them~~ any deputy appointed a bond with good security
 3 in the amount set forth in subsection (a) of this Code section. Each deputy appointed by
 4 the clerk of the superior court ~~The deputies~~ shall take the same oaths as the clerks do clerk
 5 is required to take by law before entering upon the discharge of ~~their~~ his or her official
 6 duties. ~~Their~~ The powers and duties of a deputy clerk appointed by the clerk of the
 7 superior court shall be the same as those of the clerks clerk, as long as ~~their principals~~
 8 ~~continue~~ the clerk of the superior court who appointed the deputy clerk continues in office
 9 and not longer, for faithful performance of which ~~they~~ the deputy clerk and ~~their~~ his or her
 10 securities shall be bound. The clerks of the superior courts shall also have the authority to
 11 appoint one of their deputies as chief deputy clerk ~~unless otherwise provided by local law.~~
 12 (c) The compensation of employees of the clerk of the superior court shall be fixed by the
 13 clerk and shall be paid out of county funds."

14 SECTION 2.

15 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
 16 proceedings, parental rights, and mental incompetency and dependency for juveniles, is
 17 amended by striking Code Section 15-11-24, relating to juvenile court personnel,
 18 compensation, and removal, and inserting in lieu thereof the following:

19 "15-11-24.

20 (a)(1) The judge of the juvenile court shall have the authority to appoint ~~clerks~~ and any
 21 other personnel necessary for the execution of the purposes of this chapter. The
 22 compensation of the employees shall be fixed by the judge, with the approval of the
 23 governing authority of the county. The salaries of the employees shall be paid out of
 24 county funds. All appointments shall be made from eligible lists secured from the local
 25 merit boards in those counties where such boards exist or from lists established by
 26 competitive examinations conducted by the court. The appointment, salary, tenure, and
 27 all other conditions of employment of the employees shall be in accordance with the laws
 28 and regulations governing the merit system in operation or such rules and regulations as
 29 are established by the court. Any employee of the court may be removed for cause by the
 30 judge of the court, the reasons therefor to be assigned in writing.

31 (2) In every juvenile court created on or after January 1, 2002, for any county of this
 32 state having a population of 200,000 or less according to the United States decennial
 33 census of 1990 or any future such census, the clerk of the superior court shall serve as
 34 clerk. In a juvenile court created prior to January 1, 2002, in any such county and in
 35 which a person other than the clerk of the superior court has been appointed or otherwise
 36 employed by the chief judge of the juvenile court or elected pursuant to local law to serve

1 as clerk, such person shall continue to serve as clerk upon approval of the chief judge of
 2 the juvenile court; provided, however, upon such person vacating his or her office as
 3 clerk, the clerk of the superior court shall thereafter serve as clerk of the juvenile court.

4 (3) When the clerk of the superior court does not serve as clerk of the juvenile court, the
 5 following provisions shall apply:

6 (A) The chief judge of the juvenile court shall have the authority to appoint a clerk and
 7 any other personnel necessary for the execution of the purposes of this chapter; and

8 (B) The judge shall fix the compensation of the employees. The salaries of the
 9 employees shall be paid out of county funds. Any employee of the court may be
 10 removed for cause by the judge of the court, the reasons therefor to be assigned in
 11 writing.

12 (b) Any person who serves as a clerk of any juvenile court of this state, as a qualification
 13 of holding office, shall execute bond in the sum of \$100,000.00 for the faithful
 14 performance of his or her duties as clerk, which amount may be increased by local Act.
 15 However, any clerk of a superior court who is also serving as clerk of a juvenile court shall
 16 not be required to post a bond pursuant to the provisions of this Code section, provided that
 17 the bond given by the clerk of the superior court for the faithful performance of his or her
 18 duties shall also be conditioned on his or her faithful performance of his or her duties as
 19 clerk of the juvenile court.

20 (c) The compensation of employees of the clerk of the juvenile court shall be fixed by the
 21 clerk and shall be paid out of county funds."

22 **SECTION 3.**

23 This Act shall become effective upon its approval by the Governor or upon its becoming law
 24 without such approval.

25 **SECTION 4.**

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