

The House Committee on Judiciary offers the following substitute to HB 450:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to create a new eighth superior court judgeship for the Augusta Judicial Circuit, a new eighth superior court judgeship for the Gwinnett Judicial Circuit, a new fourth superior court judgeship for the Rome Judicial Circuit, and a new nineteenth superior court judgeship for the Atlanta Judicial Circuit; to provide for the initial appointment, election, and term of office of each such judge; to provide for the qualifications and for the compensation, salary, and expense allowance of said judges to be paid by the State of Georgia and the counties comprising the respective judicial circuits; to provide for jurors; to authorize the judges of said circuits to divide and allocate the work and duties thereto and provide for the duties of the chief judges and presiding judges; to provide for powers, duties, and responsibilities of judges of said circuit; to provide for additional court reporters and personnel and the compensation of such reporters and personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by striking paragraphs (3), (5), and (20) in their entirety and inserting in lieu thereof new paragraphs to read as follows:

"(3) Atlanta Circuit	18 <u>19</u> "
"(5) Augusta Circuit	7 <u>8</u> "
"(20) Gwinnett Circuit	7 <u>8</u> "

PART II

SECTION 2.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each of the judicial circuits, is amended by striking paragraph (33) of said Code section in its entirety and inserting in lieu thereof a new paragraph (33) to read as follows:

"(33) Rome Circuit 3 4"

PART III

SECTION 3.

The number of superior court judges of the Augusta Judicial Circuit is increased from seven to eight. The initial judge to fill the eighth judgeship shall be appointed by the Governor for a term beginning January 1, 2002, and ending December 31, 2002, and until a successor is elected and qualified. Thereafter, said eighth judge shall be elected in 2002 and quadrennially thereafter for a term of office of four years and until his or her successor is duly elected and qualified.

SECTION 4.

The qualifications of such additional judge of the Augusta Judicial Circuit and his or her successors shall be the same as are now provided by law for all other superior court judges, and such judge's compensation, salary, and expense allowance from the State of Georgia and from the counties of such circuit shall be the same as that of the other judges of the superior courts of the Augusta Judicial Circuit. The provisions, if any, heretofore enacted for the supplementation by the counties of said circuit of the salary of the judge of the superior courts of the Augusta Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 5.

The eight judges of the superior courts of the Augusta Judicial Circuit in transacting the business of said courts and in performing their duties and responsibilities shall share, divide, and allocate the work and duties to be performed by each. In the event of any disagreement between or among said judges in any respect thereof, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling. The eight judges of the superior courts of the Augusta Judicial Circuit shall have and they are clothed with full power, authority, and discretion to determine, from time to time and from term to term, the

1 manner of calling the dockets or fixing the calendars and order of business in said courts.
2 They may assign to one or more of said judges the hearing of trials by jury for a term and the
3 hearing of all other matters not requiring a trial by jury to one or more of the other judges,
4 and they may rotate such order of business at the next term. They may conduct trials by jury
5 at the same time in the same county or otherwise within said circuit, or they may hear
6 chambers business and motion business at the same time at any place within said circuit.
7 They may provide in all respects for holding the superior courts of said circuit so as to
8 facilitate the hearing and determination of all the business of said courts at any time pending
9 and ready for trial or hearing. In all such matters relating to the manner of fixing, arranging
10 for, and disposing of the business of said courts and of making appointments as authorized
11 by law where the judges thereof cannot agree or shall differ, the opinion or order of the chief
12 judge, as defined in this section, shall control.

13 **SECTION 6.**

14 The eight judges of superior court of the Augusta Judicial Circuit shall be authorized and
15 empowered to appoint an additional court reporter for said circuit, whose compensation shall
16 be as now or hereafter provided by law.

17 **SECTION 7.**

18 Nothing herein enumerated shall be deemed to limit or restrict the inherent powers, duties,
19 and responsibilities of the superior court judges provided by the Constitution and statutes of
20 the State of Georgia.

21 **PART IV**

22 **SECTION 8.**

23 The additional judge of the superior court of the Gwinnett Judicial Circuit shall be appointed
24 by the Governor for a term beginning January 1, 2002, and expiring December 31, 2002, and
25 until his or her successor is elected and qualified. At the general election to be held in 2002,
26 there shall be elected a successor to the first additional judge appointed as provided for
27 above, and he or she shall take office on the first day of January, 2003, and serve for a term
28 of office of four years and until his or her successor is duly elected and qualified. All
29 subsequent successors to such judge shall be elected at the general election conducted in the
30 year in which the term of office shall expire for a term of four years and until his or her
31 successor is duly elected and qualified. Said elections shall be held and conducted as is now
32 or may hereafter be provided by law for the election of judges of the superior courts of the
33 State of Georgia.

SECTION 9.

The additional judge of the superior court of the Gwinnett Judicial Circuit shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the eight judges of said court may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 10.

The compensation, salary, and contingent expense allowance of said additional judge of the superior court of the Gwinnett Judicial Circuit shall be the same as that of other judges of the superior courts of Georgia. The additional judge shall also be paid a county supplement by the county comprising said circuit in the same manner and to the same extent as the present superior court judges of said circuit are paid.

SECTION 11.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior court of the Gwinnett Judicial Circuit may bear teste in the name of any judge of said circuit and, when issued by and in the name of any of said judges of said circuit, shall be fully valid and may be held and determined before any judge of said circuit.

SECTION 12.

Upon and after qualifications of the additional judge of the superior court of the Gwinnett Judicial Circuit, the eight judges of said court shall be authorized to adopt, promulgate, amend, and enforce such rules of procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall divide and allocate the work and duties to be performed by each. In the event of a disagreement between or among said judges affecting the duties and responsibilities of the judges of the superior court of the Gwinnett Judicial Circuit, the decision of the senior judge in term of current continuous, uninterrupted service shall be controlling.

SECTION 13.

The judge of said court, senior in term of current continuous, uninterrupted service as a judge of the superior court, shall be the presiding judge of said court in whom shall be vested the power to make all appointments whenever the law provides for the superior court judge to make appointments, except as herein provided.

SECTION 14.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of the judges of the superior court of said circuit; and any such judge of the superior court of said circuit shall have full power and authority to draw and impanel jurors for service in said court so as to have jurors for the trial of cases before each of said judges separately or before each of them at the same time.

SECTION 15.

The eight judges of the superior court of the Gwinnett Judicial Circuit shall be authorized and empowered to employ an additional court reporter for such duties and for such compensation as such judges see fit, up to and including, but not exceeding, the remuneration of the present court reporters of the Gwinnett Judicial Circuit as the same is now fixed or may hereafter be fixed.

SECTION 16.

The governing authority of the county comprising the Gwinnett Judicial Circuit is fully authorized and empowered to provide suitable courtrooms, jury rooms, and chambers for the eight judges of the superior court of the Gwinnett Judicial Circuit upon the recommendation of said judges.

PART V**SECTION 17.**

A new judge of the superior courts is added to the Rome Judicial Circuit, increasing the number of judges to four.

SECTION 18.

Such additional judge of the Rome Judicial Circuit shall be appointed by the Governor to take office within 30 days after the date this Act becomes law, for a term ending December 31, 2002, and until the election and qualification of a successor. Thereafter, such additional judge shall be elected in a manner provided by law for the election of judges of the superior courts of this state at the general election in November, 2002, for a term of four years beginning on January 1, 2003, and until the election and qualification of a successor. Future successors shall be elected at the general election each four years thereafter for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and

1 conducted in a manner provided by law for the election of judges of the superior courts of
2 this state.

3 **SECTION 19.**

4 Said additional judge of the Rome Judicial Circuit shall have and may exercise all powers,
5 duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior
6 courts of this state. Any of the four judges of the superior courts of said circuit may preside
7 over any case therein and perform any official act as judge thereof.

8 **SECTION 20.**

9 The compensation, salary, and contingent expense allowance of said additional judge of the
10 Rome Judicial Circuit shall be the same as that of the other judges of the Superior Court of
11 the Rome Judicial Circuit.

12 **SECTION 21.**

13 The four judges of the Rome Judicial Circuit, in transacting the business of the superior
14 courts of said circuit and in performing their duties and responsibilities shall share, divide,
15 and allocate the work and duties to be performed by each of them. In the event of
16 disagreement between said judges in respect to the allocation of work and duties, the decision
17 of the senior judge in point of continuous service as superior court judge shall be controlling.
18 In the event that none of said judges shall be senior in point of continuous service as superior
19 court judges, the judge who was first admitted to the State Bar shall be considered the senior
20 judge.

21 **SECTION 22.**

22 The judge of the Rome Judicial Circuit who is senior in point of continuous service as
23 superior court judge shall be the presiding judge of said circuit. In the event that none of said
24 judges shall be senior in point of continuous service as superior court judge, the judge who
25 was first admitted to the State Bar shall be presiding judge.

26 **PART VI**

27 **SECTION 23.**

28 A new judge of the superior court is added to the Atlanta Judicial Circuit, thereby increasing
29 to 19 the number of judges of said circuit.

SECTION 24.

The additional judge of the Atlanta Judicial Circuit appointed pursuant to this Act shall be appointed by the Governor for a term beginning January 1, 2002, and expiring December 31, 2002, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by law for the election of judges of the superior courts of this state at the general election in November, 2002, for a term of four years beginning on January 1, 2003, and until the election and qualification of a successor. Future successors shall be elected at the general election each four years thereafter for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state.

SECTION 25.

Said additional judge of the Atlanta Judicial Circuit shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the superior court of said circuit may preside over any case therein and perform any official act as judge thereof. The new judge is authorized to employ court personnel on the same basis as other judges of the Atlanta Judicial Circuit.

SECTION 26.

The compensation, salary, and contingent expense allowance of said additional judge of the Atlanta Judicial Circuit shall be the same as that of the other judges of the superior court of the Atlanta Judicial Circuit. Any salary supplements heretofore enacted by the county of said circuit shall also be applicable to the additional judge provided for in this Act.

PART VII**SECTION 27.**

(a) For purposes of making the initial appointments of the judges to fill the superior court judgeships created by this Act, this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

(b) For all other purposes, Section 1 of this Act shall become effective January 1, 2002, and Section 2 of this Act shall become effective 30 days after this Act becomes a law.

SECTION 28.

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