

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the
2 number of superior court judges for each judicial circuit, so as to provide for a fifth judge of
3 the superior court of the Southern Judicial Circuit of Georgia; to provide for the appointment
4 of such additional judge by the Governor; to provide for the nonpartisan election of
5 successors to the judge initially appointed; to prescribe the powers of said judge; to prescribe
6 the compensation, salary, and expense allowance of said judge to be paid by the State of
7 Georgia and the counties comprising said circuit; to authorized the judges of said courts to
8 divide and allocate the work and duties thereof; to provide for the manner of impaneling
9 jurors; to provide for an additional court reporter for said circuit; to provide for courtroom
10 and chamber space; to provide for related matters; to provide for effective dates; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
15 superior court judges for each judicial circuit, is amended by striking paragraph (35) and
16 inserting in its place a new paragraph to read as follows:

17 "(35) Southern Circuit 4 5"

18 SECTION 2.

19 Said additional judge shall be appointed by the Governor for a term of office beginning July
20 1, 2004, and continuing through December 31, 2006, and until that judge's successor is
21 elected and qualified. That judge's successor shall be elected in the manner provided by law
22 for the nonpartisan election of judges of the superior courts of this state at the nonpartisan
23 general election in 2006, for a term of four years beginning on the first day of January, 2006,
24 and until that judge's successor is elected and qualified. Future successors shall be elected
25 at the nonpartisan general election each four years after such nonpartisan election for terms

1 of four years and until their successors are elected and qualified. They shall take office on
2 the first day of January following the date of such nonpartisan election. Such nonpartisan
3 elections shall be held and conducted in the manner provided by law for the nonpartisan
4 election of judges of the superior courts of this state.

5 **SECTION 3.**

6 The additional judge of the superior courts for the Southern Judicial Circuit of Georgia shall
7 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities
8 of the present judges of the superior courts of this state. Any of the five judges of said courts
9 may preside over any cause, whether in their own or in other circuits, and perform any
10 official act as judge thereof, including sitting on appellate courts as provided by law.

11 **SECTION 4.**

12 The qualifications of such additional judge and such judge's successors shall be the same as
13 are now provided by law for all other superior court judges, and such judge's compensation,
14 salary, and expense allowance from the State of Georgia and from the counties of such circuit
15 shall be the same as that of the other judges of the superior courts for the Southern Judicial
16 Circuit. The provisions heretofore enacted for supplement by the counties of said circuit for
17 the present judges shall also be applicable to the additional judge provided for by this Act.

18 **SECTION 5.**

19 All writs and process in the superior courts for the Southern Judicial Circuit shall be
20 returnable to the terms of said superior courts as they are now fixed and provided by law, or
21 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
22 in the same manner as though there were but one judge, it being the intent and purpose of this
23 Act to provide five judges coequal in jurisdiction and authority to attend to and perform the
24 functions, powers, and duties of the judges of said superior courts and to direct and conduct
25 all hearings and trials in said courts.

26 **SECTION 6.**

27 The five judges of the superior courts for the Southern Judicial Circuit of Georgia in
28 transacting the business of said courts and in performing their duties and responsibilities shall
29 share, divide, and allocate the work and duties to be performed by each. In the event of any
30 disagreement between said judges in any respect hereof, the decision of a majority shall be
31 controlling. If there is no majority the decision of the senior judge in point of service, who
32 shall be known as the chief judge shall be controlling. The judge with the longest period of
33 time of service shall be the chief judge. The chief judge shall have the right to appoint

1 referees of the juvenile courts of the counties comprising said circuit; and, in the event a
2 juvenile court is established in any county within said circuit under the provisions of Code
3 Section 15-11-3 of the O.C.G.A., the chief judge shall appoint the judge of said court as
4 provided by law. If there is no judge among the five who is senior in point of service, the five
5 judges shall elect from this number a senior judge who shall be known as the chief judge.
6 The five judges of the superior courts for the Southern Judicial Circuit shall have, and they
7 are clothed with full power, authority, and discretion to determine from time to time, and
8 term to term, the manner of calling the dockets and fixing the calendars and order of business
9 in said courts. They may assign the hearing of trials by jury for a term or a part thereof to one
10 or more of said judges and the hearing of all other matters not requiring a trial by a jury to
11 another judge, or judges, and they may alternate such order of business at other terms as they
12 deem proper. They may conduct trials by jury at the same time in the same county or
13 otherwise within said circuit, or any one of them may hear chambers business and motion
14 business at the same time at any place within said circuit. They may provide in all respects
15 for holding the superior courts of said circuit so as to facilitate the hearing and determination
16 of all business of said courts at any time pending and ready for trial or hearing. In all such
17 matters relating to the manner of fixing, arranging for, and disposing of the business of said
18 courts, and making appointments as authorized by law, where the judges thereof cannot agree
19 or shall differ, the opinion or order of the majority or of the chief judge as provided in this
20 section shall control.

21 **SECTION 7.**

22 The drawing and impaneling of all jurors, whether grand, petit, or special may be by any of
23 the judges of the superior courts of said circuit, and they, or any of them, shall have full
24 power and authority to draw and impanel jurors for service in said courts so as to have jurors
25 for service in said courts so as to have jurors for the trial of cases before any of said judges
26 separately, or before any of them at the same time.

27 **SECTION 8.**

28 The additional judge of the Southern Judicial Circuit shall be authorized and empowered to
29 appoint an additional court reporter for such circuit whose compensation shall be as now or
30 hereafter provided by law.

31 **SECTION 9.**

32 The governing authority of the respective counties comprising the Southern Judicial Circuit
33 are fully authorized and empowered to provide such suitable courtroom, jury rooms, and

1 chambers for the five judges of the Southern Judicial Circuit as may be necessary upon the
2 recommendation of said judges.

3 **SECTION 10.**

4 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
5 superior courts for the Southern Judicial Circuit may bear teste in the name of any judge of
6 said Southern Judicial Circuit and, when issued by and in the name of any judge of said
7 circuit, shall be fully valid and may be heard and determined before the same or any other
8 judge of said circuit. Any judge of said courts may preside over any cause therein and
9 perform any official act as judge thereof.

10 **SECTION 11.**

11 (a) For purposes of making the initial appointment of the judge to fill the fifth superior court
12 judgeship created by this Act, this Act shall become effective upon its approval by the
13 Governor or its becoming law without his approval.

14 (b) For all other purposes, this Act shall become effective July 1, 2004.

15 **SECTION 12.**

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