

House Bill 1126

By: Representatives Royal of the 140th, Sholar of the 141st, Post 1, Houston of the 139th, Scott of the 138th, Black of the 144th, and others

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 nonpartisan
4 election of such judge; to prescribe the powers of said judge; to prescribe the compensation,
5 salary, and expense allowance of said judge to be paid by the State of Georgia and the
6 counties comprising said circuit; to authorized the judges of said courts to divide and allocate
7 the work and duties thereof; to provide for the manner of impaneling jurors; to provide for
8 an additional court reporter for said circuit; to provide for courtroom and chamber space; to
9 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

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

16 "(35) Southern Circuit 4 5"

17 SECTION 2.

18 Said additional judge shall be elected in the manner provided by law for the nonpartisan
19 election of judges of the superior courts of this state at the nonpartisan general election in
20 2004, for a term of four years beginning on the first day of January, 2005, and until that
21 judge's successor is elected and qualified. Future successors shall be elected at the
22 nonpartisan general election each four years after such nonpartisan election for terms of four
23 years and until their successors are elected and qualified. They shall take office on the first
24 day of January following the date of such nonpartisan election. Such nonpartisan elections

1 shall be held and conducted in the manner provided by law for the nonpartisan election of
2 judges of the superior courts of this state.

3 **SECTION 3.**

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

9 **SECTION 4.**

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

16 **SECTION 5.**

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

24 **SECTION 6.**

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

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

19 **SECTION 7.**

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

25 **SECTION 8.**

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

29 **SECTION 9.**

30 The governing authority of the respective counties comprising the Southern Judicial Circuit
31 is fully authorized and empowered to provide such suitable courtroom, jury rooms, and
32 chambers for the five judges of the Southern Judicial Circuit as may be necessary upon the
33 recommendation of said judges.

