

Senate Bill 594

By: Senators Clay of the 37th, Bulloch of the 11th and Balfour of the 9th

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 create a new fourth superior
3 court judgeship for the Cherokee Judicial Circuit, a new ninth superior court judgeship for
4 the Gwinnett Judicial Circuit, and a new fifth superior court judgeship for the Southern
5 Judicial Circuit; to provide for the initial appointment, election, and term of office of each
6 such judge; to provide for the qualifications and for the compensation, salary, and expense
7 allowance of said judges to be paid by the State of Georgia and the counties comprising the
8 respective judicial circuits; to provide for jurors; to authorize the judges of said circuits to
9 divide and allocate the work and duties thereto and provide for the duties of the chief judges
10 and presiding judges; to provide for powers, duties, and responsibilities of judges of said
11 circuit; to provide for additional court reporters and personnel and the compensation of such
12 reporters and personnel; to declare inherent authority; to provide effective dates; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 PART I
16 SECTION 1.

17 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
18 superior court judges for each judicial circuit, is amended by striking paragraphs (9), (20),
19 and (35) in their entirety and inserting in lieu thereof new paragraphs to read as follows:

- 20 "(9) Cherokee Circuit 34"
- 21 "(20) Gwinnett Circuit 89"
- 22 "(35) Southern Circuit 45"

PART II**SECTION 2.**

One additional judge of the superior courts is added to the Cherokee Judicial Circuit, thereby increasing to four the number of judges of said circuit.

SECTION 3.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2005, and continuing through December 31, 2006, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2006, for a term of four years beginning on January 1, 2007, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 4.

The additional judge of the superior courts of the Cherokee Judicial Circuit of Georgia 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 Cherokee Judicial Circuit 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 5.

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

SECTION 6.

All writs and processes in the superior courts of the Cherokee Judicial Circuit shall be

1 returnable to the terms of said superior courts as they are now fixed and provided by law, or
2 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
3 in the same manner as though there were but one judge, it being the intent and purpose of this
4 Act to provide four judges equal in jurisdiction and authority to attend and perform the
5 functions, powers, and duties of the judges of said superior courts and to direct and conduct
6 all hearings and trials in said courts.

7 **SECTION 7.**

8 Upon and after qualification of the additional judge of the superior court of the Cherokee
9 Judicial Circuit, the four judges of said court may adopt, promulgate, amend, and enforce
10 such rules of practice and procedure in consonance with the Constitution and laws of the
11 State of Georgia as they deem suitable and proper for the effective transaction of the business
12 of the court; and, in transacting the business of the court and in performing their duties and
13 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
14 each. In the event of a disagreement among the judges in respect hereof, the majority shall
15 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
16 known as the chief judge, shall be controlling.

17 **SECTION 8.**

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

23 **SECTION 9.**

24 The four judges of the Cherokee Judicial Circuit shall be authorized and empowered to
25 appoint an additional court reporter for such circuit, whose compensation shall be as now or
26 hereafter provided by law.

27 **SECTION 10.**

28 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
29 superior courts of the Cherokee Judicial Circuit may bear teste in the name of any judge of
30 the Cherokee Judicial Circuit, and when issued by and in the name of any judge of said
31 circuit shall be fully valid and may be heard and determined before the same or any other
32 judge of said circuit. Any judge of said circuit may preside over any case therein and
33 perform any official act as judge thereof.

SECTION 11.

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2 Upon request of any judge of the circuit, the governing authorities of the counties comprising
3 the Cherokee Judicial Circuit are authorized to furnish the judges of said circuit with suitable
4 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
5 such personnel as may be considered necessary by the court to the proper function of the
6 court. All of the expenditures authorized in this Act are declared to be an expense of the
7 court and payable out of the county treasury as such.

SECTION 12.

8
9 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
10 responsibilities of superior court judges provided by the Constitution and statutes of the State
11 of Georgia.

PART III**SECTION 13.**

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14 One additional judge of the superior courts is added to the Gwinnett Judicial Circuit, thereby
15 increasing to nine the number of judges of said circuit.

SECTION 14.

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17 Said additional judge shall be appointed by the Governor for a term beginning January 1,
18 2005, and expiring December 31, 2006, and until his or her successor is elected and
19 qualified. At the general election to be held in 2006, there shall be elected a successor to the
20 first additional judge appointed as provided for above, and he or she shall take office on the
21 first day of January, 2007, and serve for a term of office of four years and until his or her
22 successor is duly elected and qualified. All subsequent successors to such judge shall be
23 elected at the general election conducted in the year in which the term of office shall expire
24 for a term of four years and until his or her successor is duly elected and qualified. Said
25 elections shall be held and conducted as is now or may hereafter be provided by law for the
26 election of judges of the superior courts of the State of Georgia.

SECTION 15.

27
28 The additional judge of the superior court of the Gwinnett Judicial Circuit shall have and
29 may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
30 present judges of the superior courts of this state. Any of the judges of said court may
31 preside over any cause, whether in their own or in other circuits, and perform any official act
32 as judge thereof, including sitting on appellate courts as provided by law.

SECTION 16.

1
2 The qualifications of such additional judge and his or her successors and his or her
3 compensation, salary, and expense allowance from the State of Georgia and from the
4 counties of the superior courts of the Gwinnett Judicial Circuit shall be the same as are now
5 provided by law for all other superior court judges. The provisions, if any, enacted for the
6 supplementation by the counties of said circuit of the salary of the judges of the superior
7 courts of the Gwinnett Judicial Circuit shall also be applicable to the additional judge
8 provided for by this Act.

SECTION 17.

9
10 All writs and processes in the superior courts of the Gwinnett Judicial Circuit shall be
11 returnable to the terms of said superior courts as they are now fixed and provided by law, or
12 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
13 in the same manner as though there were but one judge, it being the intent and purpose of this
14 Act to provide nine judges equal in jurisdiction and authority to attend and perform the
15 functions, powers, and duties of the judges of said superior courts and to direct and conduct
16 all hearings and trials in said courts.

SECTION 18.

17
18 Upon and after qualification of the additional judge of the superior court of the Gwinnett
19 Judicial Circuit, the nine judges of said court may adopt, promulgate, amend, and enforce
20 such rules of practice and procedure in consonance with the Constitution and laws of the
21 State of Georgia as they deem suitable and proper for the effective transaction of the business
22 of the court; and, in transacting the business of the court and in performing their duties and
23 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
24 each. In the event of a disagreement among the judges in respect hereof, the majority shall
25 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
26 known as the chief judge, shall be controlling.

SECTION 19.

27
28 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of
29 the judges of the superior court of said circuit; and they, or any one of them, shall have full
30 power and authority to draw and impanel jurors for service in said courts so as to have jurors
31 for the trial of cases before any of said judges separately or before each of them at the same
32 time.

SECTION 20.

The nine 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 21.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Gwinnett Judicial Circuit are authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act are declared to be an expense of the court and payable out of the county treasury as such.

SECTION 22.

Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

PART IV**SECTION 23.**

One additional judge of the superior courts is added to the Southern Judicial Circuit, thereby increasing to five the number of judges of said circuit.

SECTION 24.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2005, and continuing through December 31, 2006, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2006, for a term of four years beginning on January 1, 2007, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 25.

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

SECTION 26.

8
9 The qualifications of such additional judge and his or her successors and his or her
10 compensation, salary, and expense allowance from the State of Georgia and from the
11 counties of the superior courts of the Southern Judicial Circuit shall be the same as are now
12 provided by law for all other superior court judges. The provisions, if any, enacted for the
13 supplementation by the counties of said circuit of the salary of the judges of the superior
14 courts of the Southern Judicial Circuit shall also be applicable to the additional judge
15 provided for by this Act.

SECTION 27.

16
17 All writs and processes in the superior courts of 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 equal in jurisdiction and authority to attend 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.

SECTION 28.

24
25 Upon and after qualification of the additional judge of the superior court of the Southern
26 Judicial Circuit, the five judges of said court may adopt, promulgate, amend, and enforce
27 such rules of practice and procedure in consonance with the Constitution and laws of the
28 State of Georgia as they deem suitable and proper for the effective transaction of the business
29 of the court; and, in transacting the business of the court and in performing their duties and
30 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
31 each. In the event of a disagreement among the judges in respect hereof, the majority shall
32 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
33 known as the chief judge, shall be controlling.

SECTION 29.

1
2 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of
3 the judges of the superior court of said circuit; and they, or any one of them, shall have full
4 power and authority to draw and impanel jurors for service in said courts so as to have jurors
5 for the trial of cases before any of said judges separately or before each of them at the same
6 time.

SECTION 30.

7
8 The five judges of the Southern Judicial Circuit shall be authorized and empowered to
9 appoint an additional court reporter for such circuit, whose compensation shall be as now or
10 hereafter provided by law.

SECTION 31.

11
12 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
13 superior courts of the Southern Judicial Circuit may bear teste in the name of any judge of
14 the Southern Judicial Circuit, and when issued by and in the name of any judge of said circuit
15 shall be fully valid and may be heard and determined before the same or any other judge of
16 said circuit. Any judge of said circuit may preside over any case therein and perform any
17 official act as judge thereof.

SECTION 32.

18
19 Upon request of any judge of the circuit, the governing authorities of the counties comprising
20 the Southern Judicial Circuit are authorized to furnish the judges of said circuit with suitable
21 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
22 such personnel as may be considered necessary by the court to the proper function of the
23 court. All of the expenditures authorized in this Act are declared to be an expense of the
24 court and payable out of the county treasury as such.

SECTION 33.

25
26 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
27 responsibilities of superior court judges provided by the Constitution and statutes of the State
28 of Georgia.

PART V**SECTION 34.**

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

6 (b) For all other purposes, Part I of this Act shall become effective July 1, 2004, and Parts
7 II, III, and IV of this Act shall become effective on January 1, 2005.

SECTION 35.

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