

Senate Bill 594

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

**AS PASSED SENATE**

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

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **PART I**  
18 **SECTION 1.**

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

22	"(9) Cherokee Circuit .....	<u>34</u> "
23	"(14) Coweta Circuit .....	<u>56</u> "
24	"(18) Flint Circuit .....	<u>23</u> "
25	"(20) Gwinnett Circuit .....	<u>89</u> "

45"

## SECTION 2.

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

**SECTION 7.**

Upon and after qualification of the additional judge of the superior court of the Cherokee Judicial Circuit, the four judges of said court may adopt, promulgate, amend, and enforce such rules of practice and 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 share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

**SECTION 8.**

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 they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

**SECTION 9.**

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

**SECTION 10.**

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Cherokee Judicial Circuit may bear teste in the name of any judge of the Cherokee Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other

1 judge of said circuit. Any judge of said circuit may preside over any case therein and  
2 perform any official act as judge thereof.

### 3 **SECTION 11.**

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

### 10 **SECTION 12.**

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

## 14 **PART III**

### 15 **SECTION 13.**

16 One additional judge of the superior courts is added to the Coweta Judicial Circuit, thereby  
17 increasing to six the number of judges of said circuit.

### 18 **SECTION 14.**

19 Said additional judge shall be appointed by the Governor for a term beginning January 1,  
20 2005, and continuing through December 31, 2006, and until his or her successor is elected  
21 and qualified; such judge shall take office on the date of his or her appointment by the  
22 Governor. His or her successor shall be elected in the manner provided by law for the  
23 election of judges of the superior courts of this state at the nonpartisan judicial election in  
24 2006, for a term of four years beginning on January 1, 2007, and until his or her successor  
25 is elected and qualified. Future successors shall be elected at the nonpartisan judicial  
26 election each four years after such election for terms of four years and until their successors  
27 are elected and qualified. They shall take office on the first day of January following the date  
28 of the election.

### 29 **SECTION 15.**

30 The additional judge of the superior courts of the Coweta Judicial Circuit of Georgia shall  
31 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities

1 of the present judges of the superior courts of this state. Any of the judges of the Coweta  
2 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and  
3 perform any official act as judge thereof, including sitting on appellate courts as provided by  
4 law.

#### 5 **SECTION 16.**

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

#### 13 **SECTION 17.**

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

#### 21 **SECTION 18.**

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

#### 31 **SECTION 19.**

32 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of  
33 the judges of the superior court of said circuit; and they, or any one of them, shall have full

1 power and authority to draw and impanel jurors for service in said courts so as to have jurors  
2 for the trial of cases before any of said judges separately or before each of them at the same  
3 time.

#### 4 **SECTION 20.**

5 The six judges of the Coweta Judicial Circuit shall be authorized and empowered to appoint  
6 an additional court reporter for such circuit, whose compensation shall be as now or hereafter  
7 provided by law.

#### 8 **SECTION 21.**

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

#### 15 **SECTION 22.**

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

#### 22 **SECTION 23.**

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

### 26 **PART III-A**

#### 27 **SECTION 23.1.**

28 One additional judge of the superior courts is added to the Flint Judicial Circuit, thereby  
29 increasing to three the number of judges of said circuit.

**SECTION 23.2.**

Said additional judge shall be appointed by the Governor for a term beginning July 1, 2004, 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 23.3.**

The additional judge of the superior courts of the Flint 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 Flint 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 23.4.**

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 Flint 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 Flint Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

**SECTION 23.5.**

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

**SECTION 23.6.**

Upon and after qualification of the additional judge of the superior court of the Flint Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and 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 share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

**SECTION 23.7.**

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 they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

**SECTION 23.8.**

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

**SECTION 23.9.**

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

**SECTION 23.10.**

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Flint 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



1 court. All of the expenditures authorized in this Act are declared to be an expense of the  
2 court and payable out of the county treasury as such.

3 **SECTION 23.11.**

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

7 **PART IV**

8 **SECTION 24.**

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

11 **SECTION 25.**

12 Said additional judge shall be appointed by the Governor for a term beginning January 1,  
13 2005, and expiring December 31, 2006, and until his or her successor is elected and  
14 qualified. At the general election to be held in 2006, there shall be elected a successor to the  
15 first additional judge appointed as provided for above, and he or she shall take office on the  
16 first day of January, 2007, and serve for a term of office of four years and until his or her  
17 successor is duly elected and qualified. All subsequent successors to such judge shall be  
18 elected at the general election conducted in the year in which the term of office shall expire  
19 for a term of four years and until his or her successor is duly elected and qualified. Said  
20 elections shall be held and conducted as is now or may hereafter be provided by law for the  
21 election of judges of the superior courts of the State of Georgia.

22 **SECTION 26.**

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

**SECTION 27.**

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 Gwinnett 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 Gwinnett Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

**SECTION 28.**

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

**SECTION 29.**

Upon and after qualification of the additional judge of the superior court of the Gwinnett Judicial Circuit, the nine judges of said court may adopt, promulgate, amend, and enforce such rules of practice and 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 share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

**SECTION 30.**

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 they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

**SECTION 31.**

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 32.**

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 33.**

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 V****SECTION 34.**

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 35.**

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 36.**

The additional judge of the superior courts of the Southern 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 Southern 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 37.**

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 Southern 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 Southern Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

**SECTION 38.**

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

**SECTION 39.**

Upon and after qualification of the additional judge of the superior court of the Southern Judicial Circuit, the five judges of said court may adopt, promulgate, amend, and enforce such rules of practice and 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 share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

**SECTION 40.**

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 they, or any one of them, shall have full power and authority to draw and impanel jurors for service in said courts so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

**SECTION 41.**

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

**SECTION 42.**

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

**SECTION 43.**

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Southern 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 44.**

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 VI****SECTION 45.**

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

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

(c) Part III-A of this Act shall become effective on July 1, 2004.

**SECTION 46.**

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