

House Bill 1808

By: Representative Porter of the 119th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 provide that a judge of any court may request the assistance of a senior magistrate; to provide
3 for circumstances under which a request may be made; to provide for compensation; to
4 provide for the appointment of a senior magistrate; to provide for terms; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking
9 in its entirety Code Section 15-1-9.3, relating to senior judge of state court, probate court, or
10 juvenile court, request for assistance of senior judge, and compensation, and inserting in lieu
11 thereof the following:

12 "15-1-9.3.

13 (a)(1) Any state court judge or juvenile court judge who retires pursuant to the provisions
14 of Chapter 23 of Title 47 after having served for ten or more years in any combination
15 of service as a judge of a state court or juvenile court may be appointed a senior judge of
16 the type of court from which the judge retired.

17 (2) Any state court or juvenile court judge, whether or not said judge is a member of the
18 retirement fund created by Chapter 23 of Title 47, who ceases holding office as a judge
19 and who has at least ten years in any combination of service as judge of a state court or
20 juvenile court at the time of ceasing to hold office and who is not eligible for appointment
21 to the office of senior judge under any other law of this state may be appointed as a senior
22 judge as provided in this Code section.

23 (3) No judge of a state court or juvenile court who retires because of disability pursuant
24 to the provisions of Chapter 23 of Title 47 shall be eligible for appointment as a senior
25 judge pursuant to the provisions of this Code section.

1 (4) In this paragraph, 'probate court' has the same meaning as set out in paragraph (2) of
 2 Code Section 15-9-120. Any judge of the probate court who ceases holding office as a
 3 judge of the probate court after serving as such for at least ten years and who has not been
 4 appointed to the office of senior judge under any other law of this state may be appointed
 5 as a senior judge as provided in this Code section.

6 (b) Upon becoming eligible for appointment pursuant to the provisions of this Code
 7 section, a judge who ceases to hold office may become a senior judge and in that capacity
 8 may be called upon to serve as a justice or judge in any court of this state.

9 (c) Senior judge status shall be acquired by a qualified former judge's applying to the
 10 Governor for appointment as senior judge. The Governor shall appoint each qualified
 11 applicant as a senior judge.

12 (d) The judge of any court of this state may make a written request for assistance to a
 13 senior judge or senior magistrate. The request by the judge may be made if one of the
 14 following circumstances arise:

15 (1) A judge of the requesting court is disqualified for any cause from presiding in any
 16 matter pending before the court;

17 (2) A judge of the requesting court is unable to preside because of disability, illness, or
 18 absence; or

19 (3) A majority of the judges of the requesting court determines that the business of the
 20 court requires the temporary assistance of an additional judge or magistrate or additional
 21 judges or magistrates as provided for in Code Section 15-1-9.1.

22 (e) An active judge may call upon a senior judge or senior magistrate to serve in an
 23 emergency or when the volume of cases or other unusual circumstances cause such service
 24 to be necessary in order to provide for the timely and efficient disposition of the business
 25 of the court.

26 (f) A senior judge or senior magistrate shall receive compensation and expenses as
 27 provided in subsection (d) of Code Section 15-1-9.2."

28 SECTION 2.

29 Said title is further amended by striking in its entirety Code Section 15-10-220, relating to
 30 creation of the office of senior magistrate and qualifications, and inserting in lieu thereof the
 31 following:

32 "15-10-220.

33 (a) There is created the office of senior magistrate. Subject to the approval of the
 34 governing authority, any chief magistrate of this state may appoint to the office of senior
 35 magistrate any retired chief magistrate, magistrate, or judge who prior to retirement served
 36 at least eight consecutive years as chief magistrate or magistrate, or a combination of such

1 offices, or served eight consecutive years as a judge of a court of record or juvenile court,
2 or a combination of such offices. A senior magistrate need not be a member of the State
3 Bar of Georgia, unless required by local law. The term of an appointment made pursuant
4 to this Code section shall not exceed the current term of the appointing officer.

5 (b) Senior magistrate status may also be acquired by a qualified former magistrate's
6 applying to the Governor for appointment as senior magistrate. The Governor shall appoint
7 each qualified applicant as a senior magistrate. The term of such appointment shall
8 continue as long as the senior magistrate completes the annual training provided by
9 subsection (c) of Code Section 15-10-137. The cost of such training shall be the
10 responsibility of the senior magistrate."

11 **SECTION 3.**

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