

House Bill 1498 (AS PASSED HOUSE AND SENATE)

By: Representatives Boggs of the 145th, Smith of the 129th, Post 2, and Mosley of the 129th,
Post 1

A BILL TO BE ENTITLED
AN ACT

1 To create the State Court of Charlton County; to specify the location of the court and provide
2 for facilities therefor; to provide for jurisdiction, powers, practice, and procedure; to provide
3 for terms of court; to specify business hours of the court; to specify costs and fees; to provide
4 for transfer of certain matters from the Superior Court of Charlton County; to provide for
5 institution of criminal cases; to provide for appeals; to provide for selection, number, and
6 compensation of jurors; to provide for appointment, election, qualifications, and terms of
7 office of a judge of the court; to provide for restrictions and discipline of such judge and
8 powers and duties thereof; to provide for the appointment, election, qualifications, and terms
9 of office of a solicitor-general of the court and the powers and duties thereof; to provide for
10 a clerk and sheriff of the court and the duties thereof; to provide compensation for the judge,
11 solicitor-general, and other officers and staff of the court; to provide for a judge pro hac vice
12 and an official court stenographer; to provide for expenses for the court; to provide an
13 effective date; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Effective July 1, 2004, there is created the State Court of Charlton County which shall have
17 the power, jurisdiction, and method of procedure as provided by Chapter 7 of Title 15 of the
18 O.C.G.A.

19 **SECTION 2.**

20 The State Court of Charlton County shall be located in the county site of Charlton County
21 in facilities provided by the governing authority of Charlton County.

SECTION 3.

1
2 The State Court of Charlton County shall have such rules of practice and procedure as
3 provided by Chapter 7 of Title 15 of the O.C.G.A. or by rules promulgated by the Supreme
4 Court of Georgia.

SECTION 4.

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6 The State Court of Charlton County shall have quarterly terms beginning on the second
7 Monday of January, April, July, and October in the county site of Charlton County and such
8 terms shall remain open for the transaction of business until the next succeeding term. If the
9 date fixed for the convening of any term is a legal holiday, then that term shall begin on the
10 next day thereafter which is not a legal holiday. Said court shall at all times be open for the
11 purpose of receiving pleas of guilty in criminal cases and passing sentence thereon and for
12 the transaction of civil business before the court.

SECTION 5.

13
14 The clerk of the state court shall be required to keep his or her office open the same hours
15 for business as the clerk of the superior court.

SECTION 6.

16
17 The clerk of the state court shall be entitled to charge and collect the same fees as the clerk
18 of the superior court is entitled to charge and collect for the same or similar services. All such
19 fees shall be paid into the county treasury, except those sums which are directed by law to
20 be paid otherwise.

SECTION 7.

21
22 Any cases of a civil nature pending in the Superior Court of Charlton County on July 1,
23 2004, or thereafter of which the State Court of Charlton County has jurisdiction under this
24 Act may be transferred by the judge of the superior court to the State Court of Charlton
25 County by consent of counsel of all parties and shall thereafter stand for trial in said state
26 court as though originally filed therein.

SECTION 8.

27
28 All prosecutions in criminal cases instituted in the State Court of Charlton County shall be
29 by written accusation, uniform traffic citation, or summons as provided for by Code Section
30 17-7-71 of the O.C.G.A.

SECTION 9.

Any cases tried in the State Court of Charlton County shall be subject to review by the Court of Appeals or the Supreme Court of Georgia, whichever court has jurisdiction, in the same manner and under the same rules of appellate procedure as apply to cases in the superior court.

SECTION 10.

(a) Traverse jurors shall be drawn, selected, chosen, and summoned for service in the State Court of Charlton County from the same jury list and from the same jury box and in the same manner as is done in the superior court. Jurors in said state court shall receive the same per diem compensation for service therein as in the Superior Court of Charlton County and shall be paid by Charlton County in the same manner and out of like funds as jurors are paid in the superior court.

(b) The jury for the trial of all civil cases tried in the State Court of Charlton County shall be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A. Peremptory strikes in civil cases shall be exercised in the manner prescribed in Chapter 12 of Title 15 of the O.C.G.A.

(c) The jury for the trial of all criminal cases tried in the State Court of Charlton County shall be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A. Peremptory strikes in criminal cases shall be exercised in the manner prescribed in Chapter 12 of Title 15 of the O.C.G.A.

SECTION 11.

(a) There shall be a judge of the State Court of Charlton County who shall be elected by the qualified voters of Charlton County at the state-wide general election in November, 2006, shall take office the first day of January immediately following such election, and shall serve for a term of office of four years and until the election and qualification of a successor, as provided by Chapter 7 of Title 15 and by Title 21 of the O.C.G.A.; provided, however, that the first judge shall be appointed by the Governor for a term of office of 30 months beginning July 1, 2004, and until the election and qualification of a successor.

(b) The judge of said court shall have such qualifications and shall be subject to such restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. He or she shall be vested with all the power and authority of the judges of the state courts by Title 7 of Chapter 15 of the O.C.G.A.

(c)(1) The judge shall be a part-time judge and he or she shall be paid an annual salary of \$26,000.00 and shall receive all legally required benefits. Said salary shall be payable

1 out of the funds of Charlton County at the same intervals as installments are paid to other
2 county employees.

3 (2) The salary provided by paragraph (1) of this subsection shall be increased by
4 multiplying said amount by the percentage which equals 5 percent times the number of
5 completed four-year terms of office served by the judge, effective the first day of January
6 following the completion of each such elected period of service.

7 (3) After the first elected term of office, whenever the employees in the classified service
8 of the state merit system receive a cost-of-living increase or general performance based
9 increase of a certain percentage or a certain amount, the salary fixed in paragraph (1) of
10 this subsection, or the amount derived by increasing the salary through the application of
11 longevity increases pursuant to paragraph (2) of this subsection, where applicable, shall
12 be increased by the same percentage or same amount applicable to such state employees.
13 If the cost-of-living increase or general performance based increase received by state
14 employees is in different percentages or different amounts as to certain categories of
15 employees, the salary fixed in paragraph (1) of this subsection, or the amount derived
16 through the application of longevity increases pursuant to paragraph (2) of this
17 subsection, shall be increased by a percentage or an amount not to exceed the average
18 percentage or average amount of the general increase in salary granted to the state
19 employees. The periodic changes in the salary fixed by paragraph (1) of this subsection,
20 or the amounts derived through the application of longevity increases pursuant to
21 paragraph (2) of this subsection, as authorized by this paragraph shall become effective
22 on the first day of January following the date that the cost-of-living increases or general
23 performance based increases received by state employees become effective; provided,
24 however, that if the cost-of-living increases received by state employees become effective
25 on January 1, such periodic changes in the salary fixed in paragraph (1) of this
26 subsection, or the amounts derived by increasing each of said amounts through the
27 application of longevity increases pursuant to paragraph (2) of this subsection, shall
28 become effective on the same date that the cost-of-living increases or general
29 performance based increases received by state employees become effective.

30 SECTION 12.

31 (a) There shall be a solicitor-general of the State Court of Charlton County who shall be
32 elected by the qualified voters of Charlton County at the state-wide general election in
33 November, 2006, shall take office the first day of January immediately following such
34 election, and shall serve for a term of office of four years and until the election and
35 qualification of a successor, as provided by Article 3 of Chapter 18 of Title 15 and by Title
36 21 of the O.C.G.A.; provided, however, that the first solicitor-general shall be appointed by

1 the Governor for a term of office of 30 months beginning July 1, 2004, and until the election
2 and qualification of a successor.

3 (b) The solicitor-general of said court shall have such qualifications as provided in Article
4 3 of Chapter 18 of Title 15 of the O.C.G.A. and shall be a part-time solicitor-general of said
5 court.

6 (c)(1) The solicitor-general shall be paid an annual salary of \$24,000.00 and shall receive
7 all legally required benefits. Said salary shall be payable out of the funds of Charlton
8 County at the same intervals as installments are paid to other county employees.

9 (2) The salary provided by paragraph (1) of this subsection shall be increased by
10 multiplying said amount by the percentage which equals 5 percent times the number of
11 completed four-year terms of office served by the solicitor-general, effective the first day
12 of January following the completion of each such elected period of service.

13 (3) After the first elected term of office, whenever the employees in the classified service
14 of the state merit system receive a cost-of-living increase or general performance based
15 increase of a certain percentage or a certain amount, the salary fixed in paragraph (1) of
16 this subsection, or the amount derived by increasing the salary through the application of
17 longevity increases pursuant to paragraph (2) of this subsection, where applicable, shall
18 be increased by the same percentage or same amount applicable to such state employees.
19 If the cost-of-living increase or general performance based increase received by state
20 employees is in different percentages or different amounts as to certain categories of
21 employees, the salary fixed in paragraph (1) of this subsection, or the amount derived
22 through the application of longevity increases pursuant to paragraph (2) of this
23 subsection, shall be increased by a percentage or an amount not to exceed the average
24 percentage or average amount of the general increase in salary granted to the state
25 employees. The periodic changes in the salary fixed by paragraph (1) of this subsection,
26 or the amounts derived through the application of longevity increases pursuant to
27 paragraph (2) of this subsection, as authorized by this paragraph shall become effective
28 on the first day of January following the date that the cost-of-living increases or general
29 performance based increases received by state employees become effective; provided,
30 however, that if the cost-of-living increases received by state employees become effective
31 on January 1, such periodic changes in the salary fixed in paragraph (1) of this
32 subsection, or the amounts derived by increasing each of said amounts through the
33 application of longevity increases pursuant to paragraph (2) of this subsection, shall
34 become effective on the same date that the cost-of-living increases or general
35 performance based increases received by state employees become effective.

SECTION 13.

(a) The clerk of the Superior Court of Charlton County shall, by virtue of his or her office, be the clerk of the State Court of Charlton County, and the sheriff of said county shall likewise be the sheriff of said state court. The clerk shall provide all the necessary dockets, writs, minute books, printed forms, and the like as will be necessary for said court which shall be paid for by Charlton County in like manner as such items in the superior court.

(b) The number and salaries of any necessary additional support staff for the clerk of the superior court and the sheriff of Charlton County required to serve the State Court of Charlton County shall be set by the Charlton County Board of Commissioners.

SECTION 14.

The governing authority of Charlton County is authorized to supplement the salary of the clerk of the superior court in the amount of \$300.00 per month.

SECTION 15.

In the event the judge of the State Court of Charlton County is unable to preside in the court or is disqualified for any reason, then the judge may appoint a judge pro hac vice to serve in his or her absence. Said judge pro hac vice shall meet the same qualifications as the judge of the State Court of Charlton County.

SECTION 16.

The judge of the State Court of Charlton County may appoint an official stenographer for said court who shall report such cases as the court may require. He or she shall receive the same fees as allowed for similar services in the superior court which shall be taxed and enforced as in the superior court.

SECTION 17.

The judge and solicitor-general of the State Court of Charlton County shall make application to the Charlton County Board of Commissioners for the provision of necessary and reasonable expenses incurred by them in the operation of the court.

SECTION 18.

This Act shall become effective on July 1, 2004.

SECTION 19.

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