

Senate Bill 31

By: Senators Smith of the 52nd, Heath of the 31st and Thomas of the 54th

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 judges of superior court, so as to provide for a fourth judge of the superior courts  
3 of the Cherokee Judicial Circuit; to provide for the appointment of such additional judge by  
4 the Governor; to provide for the election of successors to the judge initially appointed; to  
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense  
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said  
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties  
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court  
9 reporter for such circuit; to authorize the governing authority of the counties that comprise  
10 the Cherokee Judicial Circuit to provide facilities, office space, supplies, equipment, and  
11 personnel for such judges; to declare inherent authority; to provide effective dates; to repeal  
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of  
16 judges of superior courts, is amended by striking paragraph (9) and inserting in its place a  
17 new paragraph to read as follows:

18 "(9) Cherokee Circuit . . . . . 3 4"

19 SECTION 2.

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

**SECTION 3.**

1  
2 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2005,  
3 and continuing through December 31, 2006, and until his or her successor is elected and  
4 qualified. His or her successor shall be elected in the manner provided by law for the  
5 election of judges of the superior courts of this state at the nonpartisan judicial election in  
6 2006, for a term of four years beginning on January 1, 2007, and until his or her successor  
7 is elected and qualified. Future successors shall be elected at the nonpartisan judicial  
8 election each four years after such election for terms of four years and until their successors  
9 are elected and qualified. They shall take office on the first day of January following the date  
10 of the election.

**SECTION 4.**

11  
12 The additional judge of the superior courts of the Cherokee Judicial Circuit of Georgia shall  
13 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities  
14 of the present judges of the superior courts of this state. Any of the judges of the Cherokee  
15 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and  
16 perform any official act as judge thereof, including sitting on appellate courts as provided by  
17 law.

**SECTION 5.**

18  
19 The qualifications of such additional judge and his or her successors shall be the same as are  
20 now provided by law for all other superior court judges and his or her compensation, salary,  
21 and expense allowance from the State of Georgia and from the counties comprising the  
22 Cherokee Judicial Circuit shall be the same as are now provided by law for the other superior  
23 court judges of such circuit. The provisions, if any, enacted for the supplementation by the  
24 counties of such circuit of the salary of the judges of the superior courts of the Cherokee  
25 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

**SECTION 6.**

26  
27 All writs and processes in the superior courts of the Cherokee Judicial Circuit shall be  
28 returnable to the terms of such superior courts as they are now fixed and provided by law,  
29 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be  
30 held in the same manner as though there were but one judge, it being the intent and purpose  
31 of this Act to provide four judges equal in jurisdiction and authority to attend and perform  
32 the functions, powers, and duties of the judges of such superior courts and to direct and  
33 conduct all hearings and trials in such courts.

**SECTION 7.**

1  
2 Upon and after qualification of the additional judge of the superior court of the Cherokee  
3 Judicial Circuit, the four judges of such circuit may adopt, promulgate, amend, and enforce  
4 such rules of practice and procedure in consonance with the Constitution and laws of the  
5 State of Georgia as they deem suitable and proper for the effective transaction of the business  
6 of the court; and, in transacting the business of the court and in performing their duties and  
7 responsibilities, they shall share, divide, and allocate the work and duties to be performed by  
8 each. In the event of a disagreement among the judges in respect hereof, the decision of the  
9 senior judge in point of service, who shall be known as the chief judge, shall be controlling.  
10 The four judges of the superior courts of the Cherokee Judicial Circuit shall have and are  
11 clothed with full power, authority, and discretion to determine from time to time and term  
12 to term the manner of calling the dockets, fixing the calendars, and order of business in such  
13 courts. They may assign to one of such judges the hearing of trials by jury for a term and the  
14 hearing of all other matters not requiring a trial by jury to the other judges, and they may  
15 rotate such order of business at the next term. They may conduct trials by jury at the same  
16 time in the same county or otherwise within such circuit, or they may hear chambers business  
17 and motion business at the same time at any place within such circuit. They may provide in  
18 all respects for holding the superior courts of such circuit so as to facilitate the hearing and  
19 determination of all the business of such courts at any time pending and ready for trial or  
20 hearing. In all such matters relating to the fixing, arranging for, and disposing of the  
21 business of such courts and making appointments as authorized by law where the judges  
22 thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for  
23 in this Act shall control.

**SECTION 8.**

24  
25 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of  
26 the judges of the superior court of such circuit; and they, or any one of them, shall have full  
27 power and authority to draw and impanel jurors for service in such courts so as to have jurors  
28 for the trial of cases before any of such judges separately or before each of them at the same  
29 time.

**SECTION 9.**

30  
31 The four judges of the Cherokee Judicial Circuit shall be authorized and empowered to  
32 appoint an additional court reporter for such circuit, whose compensation shall be as now or  
33 hereafter provided by law.

**SECTION 10.**

1

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

**SECTION 11.**

8

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

**SECTION 12.**

15

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

**SECTION 13.**

19

20 For purposes of making the initial appointment of the judge to fill the superior court  
21 judgeship created by this Act, this Act shall become effective upon its approval by the  
22 Governor or upon its becoming law without such approval. For all other purposes, this Act  
23 shall become effective July 1, 2005.

**SECTION 14.**

24

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