

House Bill 134

By: Representatives Lunsford of the 110th, May of the 111th, Davis of the 109th, Holt of the 112th, Mosby of the 90th, and others

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 the superior courts, so as to provide for a third judge of the superior
3 courts of the Flint Judicial Circuit; to provide for the appointment of the initial additional
4 judge and a term of office; to provide for the subsequent election and term of office of said
5 judge; to fix a time at which such judge shall begin his or her term of office; to require
6 candidates for such judgeships to designate the places for which they are running; to
7 prescribe the powers, duties, jurisdiction, privileges, and immunities of said judge; to provide
8 for a chief judge and to prescribe his or her powers, duties, and privileges; to prescribe the
9 compensation, salary, and expense allowance of said judge to be paid by the State of
10 Georgia; to provide for a salary supplement to be paid to said judge from funds of the
11 counties comprising the Flint Judicial Circuit; to provide for the issuance of official papers
12 and before whom heard; to provide the manner of drawing and impaneling jurors; to provide
13 for an additional court reporter; to authorize the governing authority of each county
14 comprising the Flint Judicial Circuit to provide facilities, office space, supplies, equipment,
15 and personnel for said judges; to declare inherent authority; to repeal specific Acts; to
16 provide for an effective date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 SECTION 1.

19 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
20 judges of the superior courts, is amended by striking paragraph (18) and inserting in lieu
21 thereof a new paragraph (18) to read as follows:

22 "(18) Flint Circuit ~~2~~ 3"

23 SECTION 2.

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

SECTION 3.

1
2 The additional judge provided for in this Act shall be appointed by the Governor for an initial
3 term of office beginning on July 1, 2005, and ending on December 31, 2006, and until a
4 successor is elected and qualified. A successor shall be elected in the manner provided by
5 law for the election of judges of the superior courts of this state at the general election in
6 November, 2006, for a term of four years beginning on the first day of January, 2007, and
7 until a successor is elected and qualified. Future successors shall be elected at the general
8 election each four years after such election for terms of four years and until their successors
9 are elected and qualified. Successors shall take office on the first day of January following
10 the date of their election.

SECTION 4.

11
12 Every person who shall offer for nomination and election as one of the judges of the superior
13 courts of the Flint Judicial Circuit of Georgia shall designate with the proper authority in all
14 general elections the specific judgeship for which he or she is offering as a candidate by
15 naming the incumbent judge whom he or she desires to succeed, and thereupon he or she
16 shall be qualified, if otherwise qualified to offer as a candidate for said specific judgeship and
17 no other. In the event there is no incumbent judge in the place for which such person desires
18 to offer, the candidate shall qualify by announcing his or her intention to offer as a candidate
19 for the office for which there is no incumbent.

SECTION 5.

20
21 The additional judge of the superior courts of the Flint Judicial Circuit of Georgia shall have
22 and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
23 present judges of the superior courts of this state. Any of the judges of said courts may
24 preside over any cause, whether in their own or in other circuits, and perform any official act
25 as judge thereof, including sitting on appellate courts as provided by law.

SECTION 6.

26
27 The judge of said courts senior in length of continuous service as a superior court judge shall
28 be the chief judge of the Flint Judicial Circuit. Such chief judge shall be responsible for the
29 administration and the expeditious disposition of the business of the superior courts of said
30 circuit, both civil and criminal, and shall have power to make such rules as he or she shall
31 deem necessary or proper for such purpose but not in conflict with the general laws of this
32 state, which rules, when approved by said chief judge and filed in the offices of each of the
33 clerks of the superior courts of the counties comprising the Flint Judicial Circuit, shall be
34 binding upon the other judge or judges of said circuit. The chief judge shall be vested with

1 the power to make all appointments whenever the law provides for the superior court judge
2 to make appointments. Such chief judge may by published rule, or from time to time by
3 order, allocate the jurisdiction and powers of the superior courts of said circuit and the duties
4 of the judges thereof; may assign to the other judges of said circuit such of the business of
5 said circuit as the chief judge shall deem appropriate; may make and publish calendars, both
6 civil and criminal; may require reports from the clerks of court of said circuit and from other
7 judges of said circuit relative to business of the courts; and generally shall supervise and
8 direct the disposition of all business, both civil and criminal, of said courts.

9 **SECTION 7.**

10 (a) The compensation, salary, and expense allowance of said additional judge of the superior
11 courts of the Flint Judicial Circuit shall be the same as that provided by the State of Georgia
12 for other judges of the superior courts of Georgia.

13 (b) Said additional judge shall receive a local salary supplement in the same amount
14 heretofore prescribed by law for the other judges of the superior courts of the Flint Judicial
15 Circuit; and such supplement shall be paid from funds of the counties comprising the Flint
16 Judicial Circuit in the same proportions heretofore prescribed by law for the supplements of
17 the other judges of the superior courts of the Flint Judicial Circuit.

18 **SECTION 8.**

19 All writs, processes, orders, subpoenas, and other official papers issuing out of the superior
20 courts of the Flint Judicial Circuit may bear teste in the name of any judge of said Flint
21 Judicial Circuit. When issued by and in the name of any judge of said circuit, they shall be
22 fully valid and may be determined before any judge in the regular course of business of said
23 courts. Any judge of said courts may preside over any cause therein and perform any official
24 act as judge thereof.

25 **SECTION 9.**

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

30 **SECTION 10.**

31 The chief judge of the Flint Judicial Circuit shall be authorized to employ an additional court
32 reporter for such duties and for such compensation as the chief judge sees fit up to and
33 including, but not exceeding, the remuneration of the present court reporters of the Flint

1 Judicial Circuit as the same is now fixed or may hereafter be fixed by law. In the
2 employment of said court reporter, the additional judge shall have the right to select and
3 approve the individual to fill said position, and said court reporter shall be assigned to the
4 additional judge. However, the chief judge, under the provisions of Section 5 of this Act,
5 shall be authorized to assign temporarily said court reporter to other duties in order to
6 equalize the workload and when the business of the courts shall require the same.

7 **SECTION 11.**

8 Upon request of the chief judge, the board of commissioners of each county comprising the
9 Flint Judicial Circuit is authorized to furnish all judges of said courts with suitable
10 courtrooms and facilities, office space, telephone, furniture, office equipment, supplies, and
11 such personnel as may be considered necessary to the proper functioning of the courts. All
12 of the expenditures authorized in this Act are declared to be an expense of the court and
13 payable out of each county treasury as such.

14 **SECTION 12.**

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

18 **SECTION 13.**

19 This Act shall become effective July 1, 2005, except that this Act shall, for purposes of the
20 appointment by the Governor of the initial judge to fill the judgeship created by this Act,
21 become effective upon its approval by the Governor or upon its becoming law without such
22 approval.

23 **SECTION 14.**

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