

House Bill 232

By: Representatives Porter of the 143rd, Parrish of the 156th, Morris of the 155th, Lord of the 142nd, and Freeman of the 140th

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 third superior
3 court judgeship for the Dublin Judicial Circuit; to provide for the initial appointment,
4 election, and term of office of such judge; to provide for the qualifications and for the
5 compensation, salary, and expense allowance of said judge to be paid by the State of Georgia
6 and the counties comprising the judicial circuit; to provide for jurors; to authorize the judges
7 of said circuits to divide and allocate the work and duties thereto and provide for the duties
8 of the chief judge; to provide for powers, duties, and responsibilities of judges of said circuit;
9 to provide for an additional court reporter and personnel and the compensation of such
10 reporter and personnel; to declare inherent authority; to provide effective dates; to repeal
11 conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
15 superior court judges for each judicial circuit, is amended by striking paragraph (16) in its
16 entirety and inserting in lieu thereof a new paragraph (16) to read as follows:

17 "(16) Dublin Circuit 23"

18 SECTION 2.

19 One additional judge of the superior courts is added to the Dublin Judicial Circuit, thereby
20 increasing to three the number of judges of said circuit.

21 SECTION 3.

22 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2005,
23 and expiring December 31, 2006, and until his or her successor is elected and qualified. At
24 the general election to be held in 2006, there shall be elected a successor to the first

1 additional judge appointed as provided in this section, and he or she shall take office on the
2 first day of January, 2007, and serve for a term of office of four years and until his or her
3 successor is duly elected and qualified. All subsequent successors to such judge shall be
4 elected at the general election conducted in the year in which the term of office shall expire
5 for a term of four years and until his or her successor is duly elected and qualified. Said
6 elections shall be held and conducted as is now or may hereafter be provided by law for the
7 election of judges of the superior courts of the State of Georgia.

8 **SECTION 4.**

9 The additional judge of the superior courts for the Dublin Judicial Circuit provided for in this
10 Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
11 immunities of the present judges of the superior courts of this state. Any of the judges of
12 said court may preside over any cause, whether in their own or in other circuits, and perform
13 any official act as judge thereof, including sitting on appellate courts as provided by law.

14 **SECTION 5.**

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

22 **SECTION 6.**

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

30 **SECTION 7.**

31 Upon and after qualification of the additional judge of the superior court of the Dublin
32 Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce
33 such rules of practice and procedure in consonance with the Constitution and laws of the

1 State of Georgia as they deem suitable and proper for the effective transaction of the business
2 of the court; and, in transacting the business of the court and in performing their duties and
3 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
4 each. In the event of a disagreement among the judges in respect hereof, the decision of the
5 senior judge in point of service, who shall be known as the chief judge, shall be controlling.

6 **SECTION 8.**

7 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of
8 the judges of the superior court of said circuit; and they, or any one of them, shall have full
9 power and authority to draw and impanel jurors for service in said courts so as to have jurors
10 for the trial of cases before any of said judges separately or before each of them at the same
11 time.

12 **SECTION 9.**

13 The three judges of the superior court of the Dublin Judicial Circuit shall be authorized and
14 empowered to employ an additional court reporter for such duties and for such compensation
15 as such judges see fit, up to and including, but not exceeding, the remuneration of the present
16 court reporters of the Dublin Judicial Circuit as the same is now fixed or may hereafter be
17 fixed.

18 **SECTION 10.**

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

25 **SECTION 11.**

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

29 **SECTION 12.**

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

1 (b) For all other purposes, this Act shall become effective July 1, 2005.

2 **SECTION 13.**

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