

House Bill 489

By: Representatives Miller of the 106th, Heard of the 104th, Coan of the 101st, Cox of the 102nd, Reese of the 98th, 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 superior court judges for each circuit, so as to create a new ninth judgeship for the
3 Gwinnett Judicial Circuit; to provide for the initial appointment, election, and term of office
4 of said judge; to provide for the manner of impaneling jurors; to prescribe the powers, duties,
5 jurisdiction, privileges, and immunities of said judge; to prescribe the compensation, salary,
6 and expense allowance of said judge to be paid by the State of Georgia and the county
7 composing the Gwinnett Judicial Circuit; to provide for the division of business among the
8 judges of the Gwinnett Judicial Circuit; to provide for the judge senior in term of continuous
9 service to be the presiding judge, in whom shall be vested the power to make all
10 appointments whenever the law provides for the superior court judge to make appointments;
11 to provide for courtroom and chamber space; to provide for an additional court reporter for
12 said circuit; to provide effective dates; to repeal 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 superior court judges for each circuit, is amended by striking paragraph (20) in its entirety
17 and inserting in lieu thereof a new paragraph (20) to read as follows:

18 "(20) Gwinnett Circuit.....8 9"

19 SECTION 2.

20 The additional judge of the superior court of the Gwinnett Judicial Circuit shall be appointed
21 by the Governor for a term beginning July 1, 2005, and expiring December 31, 2006, and
22 until his or her successor is elected and qualified. At the general election to be held in 2006,
23 there shall be elected a successor to the first additional judge appointed as provided for
24 above, and he or she shall take office on the first day of January, 2007, and serve for a term
25 of office of four years and until his or her successor is duly elected and qualified. All

1 subsequent successors to such judge shall be elected at the general election conducted in the
2 year in which the term of office shall expire for a term of four years and until his or her
3 successor is duly elected and qualified. Said elections shall be held and conducted as is now
4 or may hereafter be provided by law for the election of judges of the superior courts of the
5 State of Georgia.

6 **SECTION 3.**

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

12 **SECTION 4.**

13 The compensation, salary, and contingent expense allowance of said additional judge of the
14 superior court of the Gwinnett Judicial Circuit shall be the same as that of other judges of the
15 superior courts of Georgia. The additional judge shall also be paid a county supplement by
16 the county comprising said circuit in the same manner and to the same extent as the present
17 superior court judges of said circuit are paid.

18 **SECTION 5.**

19 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
20 superior court of the Gwinnett Judicial Circuit may bear teste in the name of any judge of
21 said circuit and, when issued by and in the name of any of said judges of said circuit, shall
22 be fully valid and may be held and determined before any judge of said circuit.

23 **SECTION 6.**

24 Upon and after qualification of the additional judge of the superior court of the Gwinnett
25 Judicial Circuit, the nine judges of said court shall be authorized to adopt, promulgate,
26 amend, and enforce such rules of procedure in consonance with the Constitution and laws
27 of the State of Georgia as they deem suitable and proper for the effective transaction of the
28 business of the court; and, in transacting the business of the court and in performing their
29 duties and responsibilities, they shall divide and allocate the work and duties to be performed
30 by each. In the event of a disagreement between or among said judges affecting the duties
31 and responsibilities of the judges of the superior court of the Gwinnett Judicial Circuit, the
32 decision of the senior judge in term of current continuous, uninterrupted service shall be
33 controlling.

SECTION 7.

The judge of said court, senior in term of current continuous, uninterrupted service as a judge of the superior court, shall be the presiding judge of said court in whom shall be vested the power to make all appointments whenever the law provides for the superior court judge to make appointments, except as herein provided.

SECTION 8.

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

SECTION 9.

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

SECTION 10.

The governing authority of the county comprising the Gwinnett Judicial Circuit is fully authorized and empowered to provide suitable courtrooms, jury rooms, and chambers for the nine judges of the superior court of the Gwinnett Judicial Circuit upon the recommendation of said judges.

SECTION 11.

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

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

SECTION 12.

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