

House Bill 609

By: Representatives Crawford of the 127<sup>th</sup>, Richardson of the 19<sup>th</sup>, and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to  
2 general provisions for courts, so as to change provisions relating to requesting judicial  
3 assistance from other courts; to provide for consideration in selecting judges for assistance;  
4 to change certain provisions relating to senior judge status and requesting assistance from a  
5 senior judge; to change provisions relating to senior judges' compensation; to change  
6 provisions relating to senior judges in state court, probate court, or juvenile court; to create  
7 terms for senior judges to serve; to provide for related matters; to repeal conflicting laws; and  
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general  
12 provisions for courts, is amended by striking subsection (b) of Code Section 15-1-9.1,  
13 relating to requesting judicial assistance from other courts, and inserting in lieu thereof the  
14 following:

15 "(b) In seeking to obtain judicial assistance, consideration should first be given to judges  
16 available within the county or circuit, then to judges available in the adjoining counties or  
17 circuits.

18 (1) If assistance is needed from a judge outside of the county, a superior court judge of  
19 this state or the chief judge of a class of courts other than an appellate court may make  
20 a request for judicial assistance in the court served by said requesting judge to the  
21 administrative judge of the judicial administrative district in which said requesting  
22 judge's court is located, if any of the following circumstances arises:

23 (A) A judge of the requesting court is disqualified for any cause from presiding in any  
24 matter pending before the court;

25 (B) A judge of the requesting court is unable to preside because of disability, illness,  
26 or absence; or

1 (C) A majority of the judges of the requesting court determines that the business of the  
2 court requires the temporary assistance of an additional judge or additional judges.

3 (2) If assistance is needed from a judge from the same county, the chief judge of any  
4 court within such county of this state may make a written request for assistance to the  
5 chief judge of any other court within such county, a senior judge of the superior court, a  
6 retired judge, or a judge emeritus of any court within the county. The request by the chief  
7 judge may be made if one of the following circumstances arises:

8 (A) A judge of the requesting court is disqualified for any cause from presiding in any  
9 matter pending before the court;

10 (B) A judge of the requesting court is unable to preside because of disability, illness,  
11 or absence;

12 (C) A majority of the judges of the requesting court determines that the business of the  
13 court requires the temporary assistance of an additional judge or additional judges; or

14 (D) A majority of the judges of the requesting court determines that the business of the  
15 court requires the permanent assistance of an additional judge or additional judges. If  
16 the requesting court is a state or superior court, the assisting judge or assisting judges  
17 may hear and decide matters otherwise in the exclusive jurisdiction of the state or  
18 superior court without regard to time, type of case, or limitations contained in the rules  
19 of such state or superior court; provided, however, that a chief magistrate or magistrate  
20 may serve as a permanent assisting judge only in counties having a population of  
21 180,000 or more according to the United States decennial census of 1990 or any future  
22 such census.

23 (3) When a petition for habeas corpus is filed challenging for the first time state court  
24 proceedings resulting in a death sentence, the clerk of the superior court acting on behalf  
25 of the chief judge shall make a request for judicial assistance to the president of The  
26 Council of Superior Court Judges of Georgia. Within 30 days of receipt of a request for  
27 judicial assistance, the president of The Council of Superior Court Judges of Georgia  
28 shall, under guidelines promulgated by the executive committee of said council, assign  
29 the case to a judge of a circuit other than the circuit in which the conviction and sentence  
30 were imposed.

31 (4) In petitions under this article challenging for a second or subsequent time a state  
32 court proceeding resulting in a death sentence, the chief judge of the court where the  
33 petition is filed may make a request for judicial assistance to the president of The Council  
34 of Superior Court Judges of Georgia upon certifying that the business of the court will  
35 be impaired unless assistance is obtained. Within 30 days of receipt of a request for  
36 judicial assistance, the president of The Council of Superior Court Judges of Georgia  
37 shall, under guidelines promulgated by the executive committee of said council, assign

1 the case to a judge of a circuit other than the circuit in which the conviction and sentence  
2 were imposed."

3 **SECTION 2.**

4 Said chapter is further amended by striking Code Section 15-1-9.2, relating to senior judge  
5 status, and inserting in lieu thereof the following:

6 "15-1-9.2.

7 (a) The office of senior judge of the superior courts is created, and judges of the superior  
8 courts or former judges of the superior courts may become senior judges as follows:

9 (1) Any judge of the superior courts who retires pursuant to the provisions of Chapter 8  
10 or Chapter 23 of Title 47 and any such judge who receives a disability retirement benefit  
11 under such chapter may become a senior judge beginning on the effective date of the  
12 judge's retirement; and

13 (2) Any judge of the superior courts, whether or not said judge is a member of the  
14 retirement system created by Chapter 23 of Title 47, who ceases holding office as a judge  
15 of the superior courts and who has at least ten years of service as a judge of the superior  
16 courts at the time of ceasing to hold office and who is not eligible for appointment to the  
17 office of senior judge under any other law of this state may become a senior judge.

18 (a.1) Notwithstanding the provisions of subsection (a) of this Code section, any Justice of  
19 the Supreme Court of Georgia, Judge of the Court of Appeals, superior court judge, state  
20 court judge, magistrate court judge, or juvenile court judge who ceases holding office as  
21 a judge and who has a total of ten years of service in any combination of such offices or  
22 a total of nine years of service in any combination of such offices plus at least one year of  
23 service as chairperson of the State Board of Workers' Compensation may become a senior  
24 judge. Said combination must include at least five years' service as a Justice of the  
25 Supreme Court, Judge of the Court of Appeals, or judge of the superior court or at least five  
26 years as total served in combination as Justice of the Supreme Court, Judge of the Court  
27 of Appeals, or judge of the superior court.

28 (a.2) Senior judge status as provided in this Code section shall be acquired by a qualified  
29 former judge's applying to the Governor for appointment as senior judge. Upon making a  
30 determination of need for additional judicial assistance in the county or circuit previously  
31 served by the retiring judge, the ~~The~~ Governor shall appoint each qualified applicant as a  
32 senior judge. Such appointment shall be for a term of two years; provided, however, that  
33 the Governor may appoint a senior judge to serve more than one term.

34 (b) The chief judge of any appellate or superior court of this state may make a written  
35 request for assistance to a senior judge. The request by the chief judge may be made if one  
36 of the following circumstances arise:

1 (1) A judge of the requesting court is disqualified for any cause from presiding in any  
2 matter pending before the court;

3 (2) A judge of the requesting court is unable to preside because of disability, illness, or  
4 absence; or

5 (3) A majority of the judges of the requesting court determines that the business of the  
6 court requires the temporary assistance of an additional judge or additional judges as  
7 provided for in Code Section 15-1-9.1.

8 (c) An active judge may call upon a senior judge to serve in an emergency or when the  
9 volume of cases or other unusual circumstances cause such service to be necessary in order  
10 to provide for the speedy and efficient disposition of the business of the circuit.

11 (d)(1) Senior judges serving as judges of an appellate or superior court under this Code  
12 section or any other provision of law shall receive compensation from state funds ~~for each~~  
13 ~~day of service, in the amount~~ on an hourly basis, based upon 80 percent of the annual  
14 state salary of a judge of the applicable court, ~~divided by 235. Such compensation shall~~  
15 be calculated based on 235 work days per year. In addition to such compensation, such  
16 senior judges shall receive their actual expenses ~~or, at the judge's option, in the event of~~  
17 ~~service outside the county of the judge's residence, the same per diem expense authorized~~  
18 ~~by law for members of the General Assembly~~ and shall receive mileage at the same rate  
19 as other state employees for such services. Such compensation, expenses, and mileage  
20 shall be paid from state funds appropriated or otherwise available for the operation of the  
21 appellate or superior courts, upon a certificate by the senior judge as to the number of  
22 ~~days~~ hours served or the expenses and mileage. Such compensation shall not affect,  
23 diminish, or otherwise impair the payment or receipt of any retirement or pension  
24 benefits, when applicable, of such judge.

25 (2) Senior judges serving as judges of any court other than an appellate or superior court  
26 under this Code section or any other provision of law shall receive compensation ~~for each~~  
27 ~~day of service, in the amount~~ on an hourly basis, based upon 80 percent of the annual  
28 salary of a judge of the applicable court, ~~divided by 235. Such compensation shall be~~  
29 calculated based on 235 work days per year. In addition to such compensation, such  
30 senior judges shall receive their actual expenses ~~or, at the judge's option, in the event of~~  
31 ~~service outside the county of the judge's residence, the same per diem expense authorized~~  
32 ~~by law for members of the General Assembly~~ and shall receive mileage at the same rate  
33 as state employees for such services. Such compensation, expenses, and mileage shall be  
34 paid from funds appropriated or otherwise available for the operation of the applicable  
35 court, upon a certificate by the senior judge as to the number of ~~days~~ hours served or the  
36 expenses and mileage. Such compensation shall not affect, diminish, or otherwise impair

1 the payment or receipt of any retirement or pension benefits, when applicable, of such  
2 judge."

3 **SECTION 3.**

4 Said chapter is further amended by striking subsection (c) of Code Section 15-1-9.3, relating  
5 to senior judges in state court, probate court, or juvenile court, and inserting in lieu thereof  
6 the following:

7 "(c) Senior judge status shall be acquired by a qualified former judge's applying to the  
8 Governor for appointment as senior judge. Upon making a determination of need for  
9 additional judicial assistance in the county previously served by the retiring judge, the ~~The~~  
10 Governor shall appoint each qualified applicant as a senior judge. Such appointment shall  
11 be for a term of two years; provided, however, that the Governor may appoint a senior  
12 judge to serve more than one term."

13 **SECTION 4.**

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