

Senate Bill 311

By: Senators Reed of the 35th, Zamarripa of the 36th, Jones of the 10th, Thompson of the 33rd and Brown of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act re-creating a system of state courts of limited jurisdiction for each city of
2 this state having a population of 300,000 or more according to the United States decennial
3 census of 1990 or any future such census, approved April 4, 1996 (Ga. L. 1996, p. 627), as
4 amended, so as to change the provisions relating to the jurisdiction and venue of such courts;
5 to change the provisions relating to the number, compensation, and retention of judges of
6 such courts; to provide that any judge whose position has been abolished by ordinance, in
7 accordance with the provisions of this Act, shall not be eligible to retain judicial office; to
8 change the provisions relating to the solicitor and assistant solicitors of such courts and their
9 number, appointment, and terms; to repeal provisions relating to investigators; to provide that
10 the clerk of the municipal court shall serve as the clerk of each such court; to repeal the
11 provisions relating to bailiffs and constables; to repeal certain provisions relative to
12 courtrooms, offices, equipment, and other facilities; to repeal provisions relating to the
13 violation bureau and the director thereof; to change the provisions relating to fines and
14 forfeitures and the use thereof; to change the provisions relating to additional penalties and
15 victim and witness assistance programs; to provide for a statement of purpose; to provide for
16 an effective date; to provide for automatic repeal of this Act; to repeal conflicting laws; and
17 for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 An Act re-creating a system of state courts of limited jurisdiction for each city of this state
21 having a population of 300,000 or more according to the United States decennial census of
22 1990 or any future such census, approved April 4, 1996 (Ga. L. 1996, p. 627), as amended,
23 is amended by striking Section 3 and inserting in its place the following:

1 "SECTION 3.

2 Jurisdiction.

3 Each such court shall have jurisdiction and venue concurrent with the municipal court of
 4 the territorial jurisdiction and coextensive with the territorial limits of the city in which it
 5 is located over:

6 (1) All crimes and offenses under the laws of the state relating to and regulating traffic,
 7 and all other crimes and offenses arising out of the same occurrences as such traffic
 8 offense, not above the grade of misdemeanor and not exclusively cognizable in the
 9 superior courts; and

10 (2) All offenses against the duly enacted laws and ordinances of such city relating to and
 11 regulating traffic, and all other offenses against laws and ordinances of such city arising
 12 out of the same occurrence as such traffic offense. Punishment for such offense shall be
 13 imposed as provided by laws and ordinances duly enacted by the governing authority of
 14 such city."

15 **SECTION 2.**

16 Said Act is further amended by striking subsection (a) of Section 4 and inserting in its place
 17 the following:

18 "(a) There shall be a chief judge of each such court and such number of judges as ~~may~~
 19 determined by ordinance to be necessary to conduct the business of the court."

20 **SECTION 3.**

21 Said Act is further amended by striking subsection (d) of Section 4 and inserting in its place
 22 the following:

23 "(d) The annual salaries of the chief judge and of each judge shall be fixed ~~by the~~
 24 ~~governing authority of each city. However, the annual salaries of the chief judge and judges~~
 25 ~~shall be no less than 90 percent of the annual salaries of the judges of the state court within~~
 26 ~~the territorial jurisdiction of said court~~ and determined by ordinance of the city and shall
 27 be payable as provided by the governing authority for other employees within the city."

28 **SECTION 4.**

29 Said Act is further amended by striking subsection (a) of Section 6 and inserting in its place
 30 the following:

31 "(a) ~~A~~ Except as otherwise provided in subsection (e) of this section, a judge of such court
 32 who shall desire to retain judicial office for a succeeding term shall file, with the municipal
 33 clerk not more than 90 days nor less than 60 days prior to each regular municipal election

1 prior to the expiration of the judge's then term of office, a declaration of intent to run for
2 another term."

3 **SECTION 5.**

4 Said Act is further amended by adding a new subsection (e) to Section 6 to read as follows:

5 "(e) Any judge whose position has been abolished by ordinance, in accordance with the
6 provisions of this Act, shall not be eligible to retain judicial office."

7 **SECTION 6.**

8 Said Act is further amended by striking subsection (a) of Section 11 and inserting in its place
9 the following:

10 "(a) There shall be a solicitor of such courts and as many assistant solicitors for each of
11 such courts as ~~there are regular judges~~ are required to conduct the business of the court.

12 Each solicitor and assistant solicitor shall take the same oath and perform the same duties
13 as solicitors of the state courts, as far as applicable to and not inconsistent with this Act."

14 **SECTION 7.**

15 Said Act is further amended by striking subsection (b) of Section 11 and inserting in its place
16 the following:

17 "(b) The solicitors of each court shall be appointed ~~and retained in the same manner as~~
18 provided for judges within this Act to four-year terms of office. The mayor shall reappoint
19 the solicitors for successive terms or, at the sole option of the mayor, may fill the office of
20 solicitor by appointing one of three qualified persons nominated by a judicial nominating
21 commission constituted for the purpose of nominating judicial personnel in the territorial
22 jurisdiction."

23 **SECTION 8.**

24 Said Act is further amended by striking Section 13 and inserting in its place the following:

25 "SECTION 13.

26 Investigators: Reserved.

27 ~~There shall be not less than one investigator for each of such courts, each of whom shall~~
28 ~~be appointed by and serve at the discretion of the solicitor."~~

SECTION 9.

Said Act is further amended by striking subsection (a) of Section 14 and inserting in its place the following:

~~“(a) There shall be a clerk of each such court, as many deputy clerks as there are regular judges, and such clerical assistants as the judges determine necessary for the efficient operation of the court. The clerk, deputy clerks, and clerical assistants shall be appointed by the judges of each of such courts in conference and shall serve at their discretion. Any person appointed clerk shall be a resident of the city in which such court is located during his or her term of office. However, the residency requirement herein shall not apply to any person holding the position of clerk, but not a resident of the city, on the effective date of this Act. The clerk of the municipal court shall serve as the clerk of each such court.”~~

SECTION 10.

Said Act is further amended by striking Section 15 and inserting in its place the following:

SECTION 15.

~~Bailiffs. Reserved.~~

~~There shall be as many bailiffs for each of such courts as there are regular judges. Each bailiff shall be appointed by and serve at the discretion of the judges in conference, shall attend all sittings of the court, and shall perform such other duties as may be prescribed by the judges.”~~

SECTION 11.

Said Act is further amended by striking Section 16 and inserting in its place the following:

SECTION 16.

~~Constables. Reserved.~~

~~The constables of each of such courts shall be the sheriffs and deputy sheriffs of the several counties of this state and the chief of police and the regularly elected and qualified members of the police department of each city, each of whom shall serve all processes and orders to them directed.”~~

SECTION 12.

Said Act is further amended by striking Section 21 and inserting in its place the following:

1 "SECTION 21.

2 Housing and facilities for courts.

3 Each court shall sit at such places within the city as the governing authority shall provide.
 4 ~~However, the governing authority of each city shall provide adequate courtrooms, offices,~~
 5 ~~equipment, and other facilities necessary for the operation of each of such courts."~~

6 **SECTION 13.**

7 Said Act is further amended by striking Section 22 and inserting in its place the following:

8 "SECTION 22.

9 ~~Violation bureau; director.~~ Reserved.

10 ~~(a) The governing authority of each city may provide a violation bureau for the payment~~
 11 ~~of fines for violations of traffic ordinances of the city without offenders being required to~~
 12 ~~make an appearance in court. The fines for such offenses shall be in accord with a schedule~~
 13 ~~of fines determined by the chief judge. However, such procedures shall not be available for~~
 14 ~~violations involving an accident or driving while under the influence of intoxicants,~~
 15 ~~whether or not an accident occurs.~~

16 ~~(b) There shall be a director of the violation bureau who shall be appointed by and serve~~
 17 ~~at the pleasure of a majority of the judges."~~

18 **SECTION 14.**

19 Said Act is further amended by striking Section 26 and inserting in its place the following:

20 "SECTION 26.

21 Fines and forfeitures; priority in distribution.

22 Except as provided in Sections 27 and 28 of this Act, all moneys arising from fines ~~or~~ and
 23 forfeitures imposed and collected in such courts shall be paid into the treasury of the
 24 respective cities ~~and shall be used first to cover the housing facilities, equipment, personnel~~
 25 ~~and personnel training, and other costs necessary for the administration of such courts. Any~~
 26 ~~remaining funds shall be used to defray the expenses associated with the enforcement of laws~~
 27 ~~and ordinances relating to and regulating traffic."~~

28 **SECTION 15.**

29 Said Act is further amended by striking Section 27 and inserting in its place the following:

1 "SECTION 27.

2 Additional penalty.

3 (a)(1) In every traffic case, other than parking violations, in which a court imposes a fine
4 under this Act for a violation of a state law or local ordinance there shall be imposed as
5 an additional penalty a sum not to exceed \$3.00.

6 (2) At the time of posting bail or bond in any traffic case before a court under this
7 section, an additional sum not to exceed \$3.00 shall be posted. In every traffic case in
8 which a court under this section orders the forfeiture of bail or bond, the additional sum
9 posted shall be paid over as provided in subsection (b) of this section.

10 (b) The additional penalty in cases in which fines are imposed and the additional sum for
11 forfeiture of bails and bonds provided for in paragraphs (1) and (2) of subsection (a) of this
12 section shall be collected by the court officer charged with the duty of collecting fines and
13 forfeited bails or bonds. The funds collected shall be ~~distributed by the finance department~~
14 ~~of the city served by the traffic court created by this Act. One-third of the funds collected~~
15 ~~shall be distributed to the court created by this Act in support of the Victims and Witnesses~~
16 ~~Assistance Program operated by the chief judge of such court. Two-thirds of the funds~~
17 ~~collected under this Act shall be distributed by the city finance department to the crime~~
18 ~~commission serving such city, in support of the Victims and Witnesses Assistance Program~~
19 ~~operated by the crime commission in the municipal court of said city. Budgets for each of~~
20 ~~the Victims and Witnesses Assistance Programs named in this section shall be submitted~~
21 ~~to the finance committee of the city council for review and approval of the distribution of~~
22 ~~the funds. An annual report to the governing authority of the city served by the traffic court~~
23 ~~created by this Act of the moneys received by each recipient of these funds shall be made~~
24 ~~by the chief judge of each court in which a Victims and Witnesses Assistance Program is~~
25 ~~supported by the funds collected under this section~~ used to support any victim and witness
26 assistance program operated by said court or by any such program operated by the
27 municipal court of the city served by said court.

28 (c) ~~Except as otherwise provided in subsection (b) of this section and except as otherwise~~
29 ~~provided in Section 28, all moneys arising from fines or forfeitures imposed and collected~~
30 ~~in such courts shall be paid into the treasury of the respective city served by the court and~~
31 ~~shall be used exclusively to defray the expense of operating such courts and the~~
32 ~~enforcement of the laws and ordinances relating to and regulating traffic."~~

33 **SECTION 16.**

34 (a) This Act amends an Act re-creating a system of state courts of limited jurisdiction for
35 each city of this state having a population of 300,000 or more according to the United States

1 decennial census of 1990 or any future such census, approved April 4, 1996 (Ga. L. 1996,
2 p. 627), as amended. That Act was repealed by an Act approved May 17, 2004 (Ga. L. 2004,
3 p. 885), which became effective on January 1, 2005, but which, by its terms, is applicable
4 only with an executed intergovernmental agreement between all affected jurisdictions. It is
5 the purpose of this Act to amend the existing law in effect between the effective date of this
6 Act and the date on which such intergovernmental agreement is executed, at which time the
7 1996 Act and all Acts amending such 1996 Act, including this Act, are repealed.

8 (b) This Act shall become effective on its approval by the Governor or upon its becoming
9 law without such approval and shall be automatically repealed on the date on which the
10 intergovernmental agreement between all affected jurisdictions referenced in subsection (a)
11 of this section is executed.

12

SECTION 17.

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