

House Bill 1111

By: Representatives Tumlin of the 38<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, Manning of the 32<sup>nd</sup>, Setzler of the 35<sup>th</sup>, Parsons of the 42<sup>nd</sup>, 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 judicial circuit, so as to create a new tenth superior  
3 court judgeship for the Cobb Judicial Circuit; to provide for the initial appointment, election,  
4 and term of office of such judge; to provide for the qualifications and for the compensation,  
5 salary, and expense allowance of said judge to be paid by the State of Georgia and the  
6 counties comprising the Cobb Judicial Circuit; to provide for jurors; to authorize the judges  
7 of said circuit to divide and allocate the work and duties thereto and provide for the duties  
8 of the chief judge and presiding judge; to provide for powers, duties, and responsibilities of  
9 judges of said circuit; to provide for an additional court reporter and personnel and the  
10 compensation of such reporter and personnel; to declare inherent authority; to provide  
11 effective dates; to repeal 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 (11) in its  
16 entirety and inserting in lieu thereof a new paragraph (11) to read as follows:

17 "(11) Cobb Circuit ..... 910"

18 SECTION 2.

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

21 SECTION 3.

22 Said additional judge shall be appointed by the Governor for a term beginning January 1,  
23 2007, and continuing through December 31, 2008, and until his or her successor is elected

1 and qualified; such judge shall take office on the date of his or her appointment by the  
2 Governor. His or her successor shall be elected in the manner provided by law for the  
3 election of judges of the superior courts of this state at the nonpartisan judicial election in  
4 2008, for a term of four years beginning on January 1, 2009, and until his or her successor  
5 is elected and qualified. Future successors shall be elected at the nonpartisan judicial  
6 election each four years after such election for terms of four years and until their successors  
7 are elected and qualified. They shall take office on the first day of January following the date  
8 of the election.

9 **SECTION 4.**

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

15 **SECTION 5.**

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

23 **SECTION 6.**

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

31 **SECTION 7.**

32 Upon and after qualification of the additional judge of the superior court of the Cobb Judicial  
33 Circuit, the ten judges of said court may adopt, promulgate, amend, and enforce such rules

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

8 **SECTION 8.**

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

14 **SECTION 9.**

15 The ten judges of the Cobb Judicial Circuit shall be authorized and empowered to appoint  
16 an additional court reporter for such circuit, whose compensation shall be as now or hereafter  
17 provided by law.

18 **SECTION 10.**

19 All writs, processes, orders, subpoenas, and any other official paper issuing out of the  
20 superior courts of the Cobb Judicial Circuit may bear teste in the name of any judge of the  
21 Cobb Judicial Circuit, and when issued by and in the name of any judge of said circuit shall  
22 be fully valid and may be heard and determined before the same or any other judge of said  
23 circuit. Any judge of said circuit may preside over any case therein and perform any official  
24 act as judge thereof.

25 **SECTION 11.**

26 Upon request of any judge of the circuit, the governing authorities of the counties comprising  
27 the Cobb Judicial Circuit are authorized to furnish the judges of said circuit with suitable  
28 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and  
29 such personnel as may be considered necessary by the court to the proper function of the  
30 court. All of the expenditures authorized in this Act are declared to be an expense of the  
31 court and payable out of the county treasury as such.

**SECTION 12.**

1  
2 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and  
3 responsibilities of superior court judges provided by the Constitution and statutes of the State  
4 of Georgia.

**SECTION 13.**

5  
6 (a) For purposes of making the initial appointment of the judge to fill the superior court  
7 judgeship created by this Act, this Act shall become effective upon its approval by the  
8 Governor or its becoming law without such approval.  
9 (b) For all other purposes, this Act shall become effective January 1, 2007.

**SECTION 14.**

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