

House Bill 1255

By: Representatives Mumford of the 95<sup>th</sup>, Holt of the 112<sup>th</sup>, and Walker of the 107<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create a new judicial circuit for the State of Georgia, to be known as the Walton Judicial  
2 Circuit and to be composed of Walton County; to provide for the judges and district attorneys  
3 of said new circuit and the Alcovy Judicial Circuit and their terms, selection, and  
4 compensation; to revise and restate certain provisions of law relating to the Alcovy Judicial  
5 Circuit and to enact provisions for the Walton Judicial Circuit; to amend Article 1 of Chapter  
6 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in general,  
7 so as to provide for the composition, terms of court, and number of judges of said circuits;  
8 to provide for other related matters; to provide for an effective date and implementation; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 PART I

12 SECTION 1-1.

13 Effective January 1, 2007, there is created a new judicial circuit of the superior courts of this  
14 state to be known as the Walton Judicial Circuit, which circuit shall be composed of Walton  
15 County. There shall be a district attorney and two judges of the Walton Judicial Circuit. The  
16 offices of judge and district attorney of the Walton Judicial Circuit shall be filled as follows:

17 (1) The district attorney of the Walton Judicial Circuit shall be appointed by the  
18 Governor for a term of office beginning January 1, 2007, and ending December 31, 2008,  
19 and when his or her successor is elected and qualified. A successor to such district  
20 attorney shall be elected by the voters of the Walton Judicial Circuit at the 2008 general  
21 election and quadrennially thereafter for a term of four years and until his or her  
22 successor is elected and qualified. A candidate for appointment or election to this office  
23 must be a resident of Walton County;

24 (2) Honorable John M. Ott, currently a judge of the Alcovy Judicial Circuit and a  
25 resident of Walton County, shall become the chief judge of the Walton Judicial Circuit.

1 Judge Ott shall serve out the current term of office for which he was selected, and his  
2 successor shall be elected by the voters of the Walton Judicial Circuit at the 2006 general  
3 election next preceding the expiration of that term of office, and at the general election  
4 quadrennially thereafter, for a term of four years. A candidate for election to this office  
5 in 2006 or thereafter must be a resident of Walton County; and

6 (3) Honorable Eugene M. Benton, currently a judge of the Alcovy Judicial Circuit and  
7 a resident of Walton County, shall become the second judge of the Walton Judicial  
8 Circuit. Judge Benton shall serve out the current term of office for which he was  
9 selected, and his successor shall be elected by the voters of the Walton Judicial Circuit  
10 at the 2006 general election next preceding the expiration of that term of office, and at  
11 the general election quadrennially thereafter, for a term of four years. A candidate for  
12 election to this office in 2006 or thereafter must be a resident of Walton County.

#### 13 **SECTION 1-2.**

14 All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court  
15 of Walton County at such time as it was a part of the Alcovy Judicial Circuit, including all  
16 complaints, pleadings, petitions, indictments, special presentments, summonses, processes,  
17 motions, writs, and mesne and final proceedings, together with all books and records of any  
18 kind or character belonging to or issued, returnable, filed, pending, or commenced in such  
19 county, shall relate to, become a part of, and be transferred to the Walton Judicial Circuit and  
20 its jurisdiction.

#### 21 **SECTION 1-3.**

22 In addition to the compensation and expenses paid from state funds, each judge of superior  
23 court of the Walton Judicial Circuit named in Section 1-1 of this Act shall continue to receive  
24 the supplemental expense allowance that such judge was receiving immediately prior to the  
25 effective date of this Act. Such supplemental expense allowance shall be paid from the funds  
26 of Walton County. In all subsequent years, the governing authority of Walton County may  
27 increase this supplement, at its discretion, without further legislative action.

#### 28 **SECTION 1-4.**

29 In addition to the compensation and expenses paid from state funds, the district attorney of  
30 the Walton Judicial Circuit shall receive a supplemental expense allowance of \$15,000.00  
31 per annum, payable in equal monthly installments from the funds of Walton County. In all  
32 subsequent years, the governing authority of Walton County may increase this supplement,  
33 at its discretion, without further legislative action.

**SECTION 1-5.**

The governing authority of Walton County shall be authorized, but not required, to authorize the employment of assistant district attorneys, deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel, and other employees or independent contractors, as authorized under Code Section 15-18-20 of the Official Code of Georgia Annotated.

**PART II****SECTION 2-1.**

Effective with the creation of the Walton Judicial Circuit, there shall be a district attorney and two judges of the Alcovy Judicial Circuit which shall then be composed of Newton County. The offices of the judges and district attorney of the Alcovy Judicial Circuit shall be subject to the following provisions:

(1) The current district attorney of the Alcovy Judicial Circuit, the Honorable W. Kendall Wynne, Jr., who is a resident of Newton County, shall remain and become the district attorney of the Alcovy Judicial Circuit. District Attorney Wynne shall serve out the current term of office to which he was elected. A successor to District Attorney Wynne shall be elected by the voters of the Alcovy Judicial Circuit at the 2006 general election, and at the general election quadrennially thereafter, for a term of four years. A candidate for appointment or election to this office in 2006 or thereafter must be a resident of Newton County;

(2) Honorable Samuel D. Ozburn, currently a judge of the Alcovy Judicial Circuit and a resident of Newton County, shall become the chief judge of the Alcovy Judicial Circuit. Judge Ozburn shall serve out the current term of office for which he was elected, and his successor shall be elected by the voters of the Alcovy Judicial Circuit at the 2006 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2006 or thereafter must be a resident of Newton County; and

(3) Honorable Horace J. Johnson, currently a judge of the Alcovy Judicial Circuit and a resident of Newton County, shall remain as a judge of the Alcovy Judicial Circuit. Judge Johnson shall serve out the current term of office for which he was selected, and his successor shall be elected by the voters of the Alcovy Judicial Circuit at the 2006 general election next preceding the expiration of that term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office in 2006 or thereafter must be a resident of Newton County.

**SECTION 2-2.**

In addition to the compensation and expenses paid from state funds, each judge of superior court of the Alcovy Judicial Circuit named in Section 2-1 of this Act shall continue to receive the supplemental expense allowance that such judge was receiving immediately prior to the effective date of this Act. Such supplemental expense allowance shall be paid from the funds of Newton County. In all subsequent years, the governing authority of Newton County may increase this supplement, at its discretion, without further legislative action

**SECTION 2-3.**

In addition to the compensation and expenses paid from state funds, the district attorney of the Alcovy Judicial Circuit shall receive a supplemental expense allowance of \$15,000.00 per annum, payable in equal monthly installments from the funds of Newton County. In all subsequent years, the governing authority of Newton County may increase this supplement, at its discretion, without further legislative action.

**SECTION 2-4.**

The governing authority of Newton County shall be authorized, but not required, to authorize the employment of assistant district attorneys, deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel, and other employees or independent contractors, as authorized under Code Section 15-18-20 of the Official Code of Georgia Annotated.

**PART III**

**SECTION 3-1.**

Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to superior courts in general, is amended in Code Section 15-6-1, relating to composition of judicial circuits, by adding a new paragraph (40.2) to read as follows:

"(40.2) Walton Judicial Circuit, composed of the County of Walton;"

and by striking paragraph (2) and inserting in its place a new paragraph to read as follows:

"(2) Alcovy Judicial Circuit, composed of the ~~Counties~~ County of Newton ~~and Walton~~;" .

**SECTION 3-2.**

Said article is further amended in Code Section 15-6-2, relating to numbers of superior court judges, by adding a new paragraph (40.2) to read as follows:

"(40.2) Walton Circuit ..... 2"

and by striking paragraph (2) and inserting in its place a new paragraph to read as follows:

