

The Senate Judiciary Committee offered the following substitute to SB 624:

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 judges of superior court, so as to provide for a third judge of the superior courts
3 of the Blue Ridge Judicial Circuit, a sixth judge of the superior courts of the Coweta Judicial
4 Circuit, a third judge of the superior courts of the Houston Judicial Circuit, and a third judge
5 of the superior courts of the Paulding Judicial Circuit; to provide for the appointment of such
6 additional judges by the Governor; to provide for the election of successors to the judges
7 initially appointed; to prescribe the powers of such judges; to prescribe the compensation,
8 salary, and expense allowance of such judges to be paid by the State of Georgia and the
9 counties comprising said circuits; to authorize the judges of such circuits to divide and
10 allocate the work and duties thereof; to provide for the manner of impaneling jurors; to
11 provide for an additional court reporter for such circuits; to authorize the governing authority
12 of the counties that comprise such circuits to provide facilities, office space, supplies,
13 equipment, and personnel for such judges; to declare inherent authority; to provide effective
14 dates; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 Part I
17 SECTION 1-1.

18 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
19 judges of superior courts, is amended by striking paragraphs (6), (14), (21), and (31.1) and
20 inserting their place new paragraphs to read as follows:

- 21 "(6) Blue Ridge Circuit ~~2~~ 3"
- 22 "(14) Coweta Circuit ~~5~~ 6"
- 23 "(21) Houston Circuit ~~2~~ 3"
- 24 "(31.1) Paulding Circuit ~~2~~ 3"

Part II**SECTION 2-1.**

One additional judge of the superior courts is added to the Blue Ridge Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 2-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 2-3.

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

SECTION 2-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the county comprising the Blue Ridge Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the county of said circuit of the salary of the judges of the superior courts of the Blue Ridge Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 2-5.

All writs and processes in the superior courts of the Blue Ridge Judicial Circuit shall be returnable to the terms of said superior courts as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held

1 in the same manner as though there were but one judge, it being the intent and purpose of this
2 Act to provide three judges equal in jurisdiction and authority to attend and perform the
3 functions, powers, and duties of the judges of said superior courts and to direct and conduct
4 all hearings and trials in said courts.

5 **SECTION 2-6.**

6 Upon and after qualification of the additional judge of the superior court of the Blue Ridge
7 Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce
8 such rules of practice and procedure in consonance with the Constitution and laws of the
9 State of Georgia as they deem suitable and proper for the effective transaction of the business
10 of the court; and, in transacting the business of the court and in performing their duties and
11 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
12 each. In the event of a disagreement among the judges in respect hereof, the majority shall
13 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
14 known as the chief judge, shall be controlling.

15 **SECTION 2-7.**

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

21 **SECTION 2-8.**

22 The three judges of the Blue Ridge Judicial Circuit shall be authorized and empowered to
23 appoint an additional court reporter for such circuit, whose compensation shall be as now or
24 hereafter provided by law.

25 **SECTION 2-9.**

26 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
27 superior courts of the Blue Ridge Judicial Circuit may bear teste in the name of any judge
28 of the Blue Ridge Judicial Circuit, and when issued by and in the name of any judge of said
29 circuit shall be fully valid and may be heard and determined before the same or any other
30 judge of said circuit. Any judge of said circuit may preside over any case therein and
31 perform any official act as judge thereof.

SECTION 2-10.

1
2 Upon request of any judge of the circuit, the governing authority of the county comprising
3 the Blue Ridge Judicial Circuit is authorized to furnish the judges of said circuit with suitable
4 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
5 such personnel as may be considered necessary by the court to the proper function of the
6 court. All of the expenditures authorized in this Act are declared to be an expense of the
7 court and payable out of the county treasury as such.

Part III**SECTION 3-1.**

8
9
10 One additional judge of the superior courts is added to the Coweta Judicial Circuit, thereby
11 increasing to six the number of judges of said circuit.

SECTION 3-2.

12
13 Said additional judge shall be appointed by the Governor for a term beginning January 1,
14 2007, and continuing through December 31, 2008, and until his or her successor is elected
15 and qualified; such judge shall take office on the date of his or her appointment by the
16 Governor. His or her successor shall be elected in the manner provided by law for the
17 election of judges of the superior courts of this state at the nonpartisan judicial election in
18 2008, for a term of four years beginning on January 1, 2009, and until his or her successor
19 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
20 election each four years after such election for terms of four years and until their successors
21 are elected and qualified. They shall take office on the first day of January following the date
22 of the election.

SECTION 3-3.

23
24 The additional judge of the superior courts of the Coweta Judicial Circuit of Georgia shall
25 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities
26 of the present judges of the superior courts of this state. Any of the judges of the Coweta
27 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and
28 perform any official act as judge thereof, including sitting on appellate courts as provided by
29 law.

SECTION 3-4.

30
31 The qualifications of such additional judge and his or her successors and his or her
32 compensation, salary, and expense allowance from the State of Georgia and from the

1 counties comprising the Coweta Judicial Circuit shall be the same as are now provided by
2 law for all other superior court judges. The provisions, if any, enacted for the
3 supplementation by the counties of said circuit of the salary of the judges of the superior
4 courts of the Coweta Judicial Circuit shall also be applicable to the additional judge provided
5 for by this Act.

6 **SECTION 3-5.**

7 All writs and processes in the superior courts of the Coweta Judicial Circuit shall be
8 returnable to the terms of said superior courts as they are now fixed and provided by law, or
9 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
10 in the same manner as though there were but one judge, it being the intent and purpose of this
11 Act to provide six judges equal in jurisdiction and authority to attend and perform the
12 functions, powers, and duties of the judges of said superior courts and to direct and conduct
13 all hearings and trials in said courts.

14 **SECTION 3-6.**

15 Upon and after qualification of the additional judge of the superior court of the Coweta
16 Judicial Circuit, the six judges of such circuit may adopt, promulgate, amend, and enforce
17 such rules of practice and procedure in consonance with the Constitution and laws of the
18 State of Georgia as they deem suitable and proper for the effective transaction of the business
19 of the court; and, in transacting the business of the court and in performing their duties and
20 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
21 each. In the event of a disagreement among the judges in respect hereof, the majority shall
22 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
23 known as the chief judge, shall be controlling. The six judges of the superior courts of the
24 Coweta Judicial Circuit shall have and are clothed with full power, authority, and discretion
25 to determine from time to time and term to term the manner of calling the dockets, fixing the
26 calendars, and order of business in such courts. They may assign to one of such judges the
27 hearing of trials by jury for a term and the hearing of all other matters not requiring a trial
28 by jury to the other judges, and they may rotate such order of business at the next term. They
29 may conduct trials by jury at the same time in the same county or otherwise within such
30 circuit, or they may hear chambers business and motion business at the same time at any
31 place within such circuit. They may provide in all respects for holding the superior courts
32 of such circuit so as to facilitate the hearing and determination of all the business of such
33 courts at any time pending and ready for trial or hearing. In all such matters relating to the
34 fixing, arranging for, and disposing of the business of such courts and making appointments

1 as authorized by law where the judges thereof cannot agree or shall differ, the opinion or
2 order of the chief judge as provided for in this Act shall control.

3 **SECTION 3-7.**

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

9 **SECTION 3-8.**

10 The six judges of the Coweta Judicial Circuit shall be authorized and empowered to appoint
11 an additional court reporter for such circuit, whose compensation shall be as now or hereafter
12 provided by law.

13 **SECTION 3-9.**

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

20 **SECTION 3-10.**

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

27 **Part IV**

28 **SECTION 4-1.**

29 One additional judge of the superior courts is added to the Houston Judicial Circuit, thereby
30 increasing to three the number of judges of said circuit.

SECTION 4-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2008, for a term of four years beginning on January 1, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 4-3.

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

SECTION 4-4.

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

SECTION 4-5.

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

SECTION 4-6.

1
2 Upon and after qualification of the additional judge of the superior court of the Houston
3 Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce
4 such rules of practice and procedure in consonance with the Constitution and laws of the
5 State of Georgia as they deem suitable and proper for the effective transaction of the business
6 of the court; and, in transacting the business of the court and in performing their duties and
7 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
8 each. In the event of a disagreement among the judges in respect hereof, the majority shall
9 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
10 known as the chief judge, shall be controlling.

SECTION 4-7.

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

SECTION 4-8.

17
18 The three judges of the Houston Judicial Circuit shall be authorized and empowered to
19 appoint an additional court reporter for such circuit, whose compensation shall be as now or
20 hereafter provided by law.

SECTION 4-9.

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

SECTION 4-10.

28
29 Upon request of any judge of the circuit, the governing authority of the county comprising
30 the Houston Judicial Circuit are authorized to furnish the judges of said circuit with suitable
31 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
32 such personnel as may be considered necessary by the court to the proper function of the

1 court. All of the expenditures authorized in this Act are declared to be an expense of the
2 court and payable out of the county treasury as such.

3 **Part V**

4 **SECTION 5-1.**

5 One additional judge of the superior courts is added to the Paulding Judicial Circuit, thereby
6 increasing to three the number of judges of said circuit.

7 **SECTION 5-2.**

8 Said additional judge shall be appointed by the Governor for a term beginning January 1,
9 2007, and continuing through December 31, 2008, and until his or her successor is elected
10 and qualified; such judge shall take office on the date of his or her appointment by the
11 Governor. His or her successor shall be elected in the manner provided by law for the
12 election of judges of the superior courts of this state at the nonpartisan judicial election in
13 2008, for a term of four years beginning on January 1, 2009, and until his or her successor
14 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
15 election each four years after such election for terms of four years and until their successors
16 are elected and qualified. They shall take office on the first day of January following the date
17 of the election.

18 **SECTION 5-3.**

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

25 **SECTION 5-4.**

26 The qualifications of such additional judge and his or her successors and his or her
27 compensation, salary, and expense allowance from the State of Georgia and from the county
28 comprising the Paulding Judicial Circuit shall be the same as are now provided by law for
29 all other superior court judges. The provisions, if any, enacted for the supplementation by
30 the county of said circuit of the salary of the judges of the superior courts of the Paulding
31 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 5-5.

1
2 All writs and processes in the superior courts of the Paulding Judicial Circuit shall be
3 returnable to the terms of said superior courts as they are now fixed and provided by law, or
4 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
5 in the same manner as though there were but one judge, it being the intent and purpose of this
6 Act to provide three judges equal in jurisdiction and authority to attend and perform the
7 functions, powers, and duties of the judges of said superior courts and to direct and conduct
8 all hearings and trials in said courts.

SECTION 5-6.

9
10 Upon and after qualification of the additional judge of the superior court of the Paulding
11 Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce
12 such rules of practice and procedure in consonance with the Constitution and laws of the
13 State of Georgia as they deem suitable and proper for the effective transaction of the business
14 of the court; and, in transacting the business of the court and in performing their duties and
15 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
16 each. In the event of a disagreement among the judges in respect hereof, the majority shall
17 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
18 known as the chief judge, shall be controlling.

SECTION 5-7.

19
20 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of
21 the judges of the superior court of said circuit; and they, or any one of them, shall have full
22 power and authority to draw and impanel jurors for service in said courts so as to have jurors
23 for the trial of cases before any of said judges separately or before each of them at the same
24 time.

SECTION 5-8.

25
26 The three judges of the Paulding Judicial Circuit shall be authorized and empowered to
27 appoint an additional court reporter for such circuit, whose compensation shall be as now or
28 hereafter provided by law.

SECTION 5-9.

29
30 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
31 superior courts of the Paulding Judicial Circuit may bear teste in the name of any judge of
32 the Paulding Judicial Circuit, and when issued by and in the name of any judge of said circuit
33 shall be fully valid and may be heard and determined before the same or any other judge of

1 said circuit. Any judge of said circuit may preside over any case therein and perform any
2 official act as judge thereof.

3 **SECTION 5-10.**

4 Upon request of any judge of the circuit, the governing authority of the county comprising
5 the Paulding Judicial Circuit is authorized to furnish the judges of said circuit with suitable
6 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
7 such personnel as may be considered necessary by the court to the proper function of the
8 court. All of the expenditures authorized in this Act are declared to be an expense of the
9 court and payable out of the county treasury as such.

10 **Part VI**

11 **SECTION 6-1.**

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

15 **SECTION 6-2.**

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

19 (b) For all other purposes, Parts II, III, IV, and V of this Act shall become effective January
20 1, 2007.

21 (c) For all other purposes, Parts I and VI of this Act shall become effective upon this Act's
22 approval by the Governor or upon its becoming law without such approval.

23 **SECTION 6-3.**

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