

Senate Bill 101

By: Senators Wiles of the 37th, Harp of the 29th, Reed of the 35th and Weber of the 40th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
 2 provide for requests that a hearing, trial, or other proceeding be held before an elected judge
 3 of the superior or state court, as the case may be, except under exigent circumstances; to
 4 provide for a definition; to provide for an effective date and applicability; to repeal
 5 conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Chapter
 9 6, relating to superior courts, by inserting a new Code section to be designated Code Section
 10 15-6-37 to read as follows:

11 "15-6-37.

12 At any hearing, trial, or other proceeding, if the individual presiding is not an elected judge
 13 of the superior court, any plaintiff may request that such hearing, trial, or other proceeding
 14 be held before an elected judge of the superior court, and such request shall be granted
 15 unless the court determines that exigent circumstances exist such that a request under this
 16 Code section should not be granted. If exigent circumstances exist, the judge shall specify
 17 his or her findings in the court's written order denying the request. As used in this Code
 18 section, the term 'elected judge' means a duly elected judge or a judge who has been
 19 appointed to fill a vacancy for an elective office as provided by Article VI, Section VII,
 20 Paragraph III of the Georgia Constitution."

21 **SECTION 2.**

22 Said title is further amended in Chapter 7, relating to state courts, by inserting a new Code
 23 section to be designated Code Section 15-7-51 to read as follows:

1 "15-7-51.
2 Notwithstanding any provision of general or local law to the contrary, at any hearing, trial,
3 or other proceeding, if the individual presiding is not an elected judge of the state court,
4 any plaintiff may request that such hearing, trial, or other proceeding be held before an
5 elected judge of the state court, and such request shall be granted unless the court
6 determines that exigent circumstances exist such that a request under this Code section
7 should not be granted. If exigent circumstances exist, the judge shall specify his or her
8 findings in the court's written order denying the request. As used in this Code section, the
9 term 'elected judge' means a duly elected judge or a judge who has been appointed to fill
10 a vacancy for an elective office as provided by Article VI, Section VII, Paragraph III of the
11 Georgia Constitution."

12 **SECTION 3.**

13 This Act shall become effective on July 1, 2006, and shall apply to actions filed on and after
14 that date.

15 **SECTION 4.**

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