

House Bill 118

By: Representatives Ehrhart of the 36th, Lane of the 167th, Martin of the 47th, and Keen of the 179th

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

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **Part I**
16 **SECTION 1-1.**

17 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
18 judges of superior courts, is amended by revising paragraphs (7) and (11) to read as follows:
19 "(7) Brunswick Circuit 4 5"
20 "(11) Cobb Circuit 9 10"

21 **Part II**
22 **SECTION 2-1.**

23 One additional judge of the superior courts is added to the Brunswick Judicial Circuit,
24 thereby increasing to five the number of judges of said circuit.

SECTION 2-2.

1
2 Said additional judge shall be appointed by the Governor for a term of office beginning on
3 the date of his or her appointment and continuing through December 31, 2008, and until his
4 or her successor is elected and qualified; such judge shall take office on the date of his or her
5 appointment by the Governor. His or her successor shall be elected in the manner provided
6 by law for the election of judges of the superior courts of this state at the general election in
7 November, 2008, for a term of four years beginning on the first day of January, 2009, and
8 until his or her successor is elected and qualified. Future successors shall be elected at the
9 general election each four years after such election for terms of four years and until their
10 successors are elected and qualified. They shall take office on the first day of January
11 following the date of the election. Such elections shall be held and conducted in the manner
12 provided by law for the election of judges of the superior courts of this state.

SECTION 2-3.

13
14 Every person who offers for nomination and election as one of the judges of said superior
15 courts of the Brunswick Judicial Circuit of Georgia shall designate with the proper authority
16 in all elections the specific place for which he or she offers by naming the incumbent judge
17 whom he or she desires to succeed; and thereupon he or she shall be qualified, if otherwise
18 qualified, to run for said specific judgeship and no other. In the event there is no incumbent
19 judge in the place for which he or she desires to offer, the candidate shall qualify by
20 announcing his or her intention to run for the office for which there is no incumbent.

SECTION 2-4.

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

SECTION 2-5.

28
29 The qualifications of such additional judge and his or her successors shall be the same as are
30 now provided by law for all other superior court judges; and his or her compensation, salary,
31 and expense allowance shall be the same as that of the other judges of the superior courts of
32 the Brunswick Judicial Circuit.

SECTION 2-6.

1
2 All writs and processes in the superior courts of the Brunswick Judicial Circuit shall be
3 returnable to the terms of said superior court 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 five judges coequal in jurisdiction and authority to attend to 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 2-7.

9
10 The five judges of the superior courts of the Brunswick Judicial Circuit of Georgia in
11 transacting the business of said courts and in performing their duties and responsibilities shall
12 share, divide, and allocate the work and duties to be performed by each. In the event of any
13 disagreement among said judges in any respect hereof, the decision of the senior judge in
14 point of service, who shall be known as the chief judge, shall be controlling. The chief judge
15 shall have the right to appoint referees of the juvenile courts of the counties comprising said
16 circuit; and, in the event a juvenile court is established in any of said counties within said
17 circuit, as provided by law, the chief judge shall appoint the judge of said court as provided
18 by law. The five judges of the superior courts of the Brunswick Judicial Circuit shall have,
19 and they are clothed with, full power, authority, and discretion to determine from time to
20 time, and term to term, the manner of calling the dockets and fixing the calendars and order
21 of business in said courts. They may assign to one of said judges the hearing of trials by jury
22 for a term, and the hearing of all other matters not requiring a trial by a jury to one of the
23 other judges; and they may rotate such order of business at the next term. They may conduct
24 trials by jury at the same time in the same county or otherwise within said circuit, or they
25 may hear chambers business and motion business at the same time at any place within said
26 circuit. They may provide in all respects for holding the superior courts of said circuit so as
27 to facilitate the hearing and determination of all the business of said courts at any time
28 pending and ready for trial or hearing. In all such matters relating to the manner of fixing,
29 arranging for, and disposing of the business of said courts, and making appointments as
30 authorized by law where the judges thereof cannot agree or shall differ, the opinion or order
31 of the chief judge as hereinbefore defined shall control.

SECTION 2-8.

32
33 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by each
34 of the judges of the superior courts of said circuit; and they, or each of them, shall have full
35 power and authority to draw and impanel jurors for service in said courts so as to have jurors
36 for the trial of cases before each of said judges separately or before each of them at the same
37 time.

SECTION 2-9.

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

SECTION 2-10.

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

SECTION 2-11.

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

SECTION 2-12.

Nothing herein enumerated shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

Part III**SECTION 3-1.**

A new judge of the superior court is added to the Cobb Judicial Circuit, thereby increasing to ten the number of judges of said circuit.

SECTION 3-2.

The initial judge appointed as provided by this Act shall be appointed by the Governor for a term beginning on the date of his or her appointment and expiring December 31, 2008, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by law for the election of judges of the superior courts of this state at the general election in November, 2008, for a term of four years beginning on January 1, 2009,

1 and until the election and qualification of a successor. Future successors shall be elected at
2 the general election each four years thereafter for terms of four years and until the election
3 and qualification of a successor. They shall take office on the first day of January following
4 the date of the election. Such elections shall be held and conducted in a manner provided by
5 law for the election of judges of the superior courts of this state.

6 **SECTION 3-4.**

7 Said additional judge shall have and may exercise all powers, duties, dignity, jurisdiction,
8 privileges, and immunities of the present judges of the superior courts of this state. Any of
9 the judges of the superior court of said circuit may preside over any case therein and perform
10 any official act as judge thereof.

11 **SECTION 3-5.**

12 The compensation, salary, and contingent expense allowance of said additional judge shall
13 be the same as that of the other judges of the superior court of the Cobb Judicial Circuit. Any
14 salary supplements paid by the county of said circuit shall also be applicable to the additional
15 judge provided for in this Act.

16 **SECTION 3-6.**

17 Except as expressly stated, this Act shall not be construed to alter or repeal any provision of
18 any local Act relating to the Cobb Judicial Circuit.

19 **Part IV**

20 **SECTION 4-1.**

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

24 **SECTION 4-2.**

25 This Act shall become effective upon its approval by the Governor or upon its becoming law
26 without such approval.

27 **SECTION 4-3.**

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