

The House Committee on Judiciary offers the following substitute to HB 118:

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 an additional judge of the superior
3 courts of the Cobb, Dublin, Enotah, and Gwinnett judicial circuits; to provide for the
4 appointment of such additional judges by the Governor; to provide for the election of
5 successors to the judges initially appointed; to prescribe the powers of such judges; to
6 prescribe the compensation, salary, and expense allowance of such judges to be paid by the
7 State of Georgia and the counties comprising said circuits; to authorize the judges of such
8 circuits to divide and allocate the work and duties thereof; to provide for the manner of
9 impaneling jurors; to provide for an additional court reporter for such circuits; to authorize
10 the governing authority of the counties that comprise such circuits to provide facilities, office
11 space, supplies, equipment, and personnel for such judges; to declare inherent authority; to
12 provide for related matters; to provide an effective date; to repeal conflicting laws; and for
13 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 (11), (16), (17.1), and (20) to
19 read as follows:

- 20 "(11) Cobb Circuit 9 10"
- 21 "(16) Dublin Circuit 2 3"
- 22 "(17.1) Enotah Circuit 2 3"
- 23 "(20) Gwinnett Circuit 9 10"

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PART II

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SECTION 2-1.

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

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SECTION 2-2.

6 The initial judge appointed as provided by this Act shall be appointed by the Governor for
7 a term beginning on the date of his or her appointment and expiring December 31, 2008, and
8 until a successor is elected and qualified. A successor to the initial judge shall be elected in
9 a manner provided by law for the election of judges of the superior courts of this state at the
10 general election in November, 2008, for a term of four years beginning on January 1, 2009,
11 and until the election and qualification of a successor. Future successors shall be elected at
12 the general election each four years thereafter for terms of four years and until the election
13 and qualification of a successor. They shall take office on the first day of January following
14 the date of the election. Such elections shall be held and conducted in a manner provided by
15 law for the election of judges of the superior courts of this state.

16

SECTION 2-3.

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

21

SECTION 2-4.

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

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SECTION 2-5.

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

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PART III
SECTION 3-1.

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

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SECTION 3-2.

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

17

SECTION 3-3.

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

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SECTION 3-4.

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

1 for trial or hearing. In all such matters relating to the manner of fixing, arranging for, and
2 disposing of the business of said courts, and making appointments as authorized by law
3 where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge
4 shall control.

5 **SECTION 3-8.**

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

11 **SECTION 3-9.**

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

15 **SECTION 3-10.**

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

22 **SECTION 3-11.**

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

29 **PART IV**

30 **SECTION 4-1.**

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

SECTION 4-2.

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2 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2007,
3 and continuing through December 31, 2008, and until his or her successor is elected and
4 qualified. His or her successor shall be elected in the manner provided by law for the
5 election of judges of the superior courts of this state at the nonpartisan judicial election in
6 2008, for a term of four years beginning on January 1, 2009, and until his or her successor
7 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
8 election each four years after such election for terms of four years and until their successors
9 are elected and qualified. They shall take office on the first day of January following the date
10 of the election.

SECTION 4-3.

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

SECTION 4-4.

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

SECTION 4-5.

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

PART V**SECTION 5-1.**

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3 The additional judge of the superior court of the Gwinnett Judicial Circuit provided for in
4 this Act shall be appointed by the Governor for a term beginning July 1, 2007, and expiring
5 December 31, 2008, and until a successor is elected and qualified. At the nonpartisan judicial
6 election to be held in 2008, there shall be elected a successor to the first additional judge
7 appointed as provided for above, and he or she shall take office on the first day of January,
8 2009, and serve for a term of office of four years and until a successor is duly elected and
9 qualified. All subsequent successors to such judge shall be elected at the nonpartisan judicial
10 election conducted in the year in which the term of office shall expire for a term of four years
11 and until his or her successor is duly elected and qualified. Said elections shall be held and
12 conducted as is now or may hereafter be provided by law for the election of judges of the
13 superior courts of the State of Georgia.

SECTION 5-2.

14
15 The additional judge of the superior court of the Gwinnett Judicial Circuit shall have and
16 may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
17 present judges of the superior courts of this state. Any of the judges of said court may preside
18 over any cause, whether in their own or in other circuits, and perform any official act as
19 judge thereof, including sitting on appellate courts as provided by law.

SECTION 5-3.

20
21 The compensation, salary, and contingent expense allowance of said additional judge of the
22 superior court of the Gwinnett Judicial Circuit shall be the same as that of other judges of the
23 superior courts of Georgia. The additional judge shall also be paid a county supplement by
24 the county comprising said circuit in the same manner and to the same extent as the present
25 superior court judges of said circuit are paid.

SECTION 5-4.

26
27 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
28 superior court of the Gwinnett Judicial Circuit may bear teste in the name of any judge of
29 said circuit and, when issued by and in the name of any of said judges of said circuit, shall
30 be fully valid and may be held and determined before any judge of said circuit.

SECTION 5-5.

31
32 Upon and after qualification of the additional judge of the superior court of the Gwinnett
33 Judicial Circuit, the ten judges of said court shall be authorized to adopt, promulgate, amend,

1 and enforce such rules of procedure in consonance with the Constitution and laws of the
2 State of Georgia as they deem suitable and proper for the effective transaction of the business
3 of the court; and, in transacting the business of the court and in performing their duties and
4 responsibilities, they shall divide and allocate the work and duties to be performed by each.
5 In the event of a disagreement between or among said judges affecting the duties and
6 responsibilities of the judges of the superior court of the Gwinnett Judicial Circuit, the
7 decision of the senior judge in term of current continuous, uninterrupted service shall be
8 controlling.

9 **SECTION 5-6.**

10 The judge of said court, senior in term of current continuous, uninterrupted service as a judge
11 of the superior court, shall be the presiding judge of said court in whom shall be vested the
12 power to make all appointments whenever the law provides for the superior court judge to
13 make appointments, except as herein provided.

14 **SECTION 5-7.**

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

20 **SECTION 5-8.**

21 The ten judges of the superior court of the Gwinnett Judicial Circuit shall be authorized and
22 empowered to employ an additional court reporter for such duties and for such compensation
23 as such judges see fit, up to and including, but not exceeding, the remuneration of the present
24 court reporters of the Gwinnett Judicial Circuit as the same is now fixed or may hereafter be
25 fixed.

26 **SECTION 5-9.**

27 The governing authority of the county comprising the Gwinnett Judicial Circuit is fully
28 authorized and empowered to provide suitable courtrooms, jury rooms, and chambers for the
29 ten judges of the superior court of the Gwinnett Judicial Circuit upon the recommendation
30 of said judges.

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PART VI

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SECTION 6-1.

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

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SECTION 6-2.

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

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SECTION 6-3.

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