

House Bill 118 (FLOOR SUBSTITUTE)

By: Representative Willard of the 49th

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, Cordele, Dublin, Enotah, and Gwinnett judicial circuits; to provide for
4 the 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), (13), (16), (17.1), and (20)
19 to read as follows:

20 "(11) Cobb Circuit 9 10"
21 "(13) Cordele Circuit 2 3"
22 "(16) Dublin Circuit 2 3"
23 "(17.1) Enotah Circuit 2 3"
24 "(20) Gwinnett Circuit. 9 10"

Part II**SECTION 2-1.**

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 2-2.

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

SECTION 2-3.

Said additional judge 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 superior court of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 2-4.

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

SECTION 2-5.

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

Part III**SECTION 3-1.**

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

SECTION 3-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2008, and continuing through December 31, 2008, and until his or her successor is elected and qualified. 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 3-3.

The additional judge of the superior courts of the Cordele 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.

SECTION 3-4.

The compensation, salary, and contingent expense allowance of the additional Judge of the Superior Court for the Cordele Judicial Circuit of Georgia from the State of Georgia shall be the same as that of other judges of the superior courts of Georgia.

SECTION 3-5.

Upon and after qualification of the additional judge of the superior court of the Cordele Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the decision of the senior judge in point of service shall be controlling.

SECTION 3-6.

The judge of the court, senior in term of continuous service, shall be the presiding judge of the court, in whom is to vest the power to make all appointments whenever the law provides for the superior court judge to make appointments.

SECTION 3-7.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Cordele Judicial Circuit may bear teste in the name of any judge of the Cordele 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 circuit may preside over any case therein and perform any official act as judge thereof.

Part IV**SECTION 4-1.**

One additional judge of the superior courts is added to the Dublin Judicial Circuit, thereby 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 of office beginning on the date of his or her appointment 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 general election in November, 2008, for a term of four years beginning on the first day of January, 2009, and until his or her successor is elected and qualified. Future successors shall be elected at the general 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. Such elections shall be held and conducted in the manner provided by law for the election of judges of the superior courts of this state.

SECTION 4-3.

Every person who offers for nomination and election as one of the judges of said superior courts of the Dublin Judicial Circuit of Georgia shall designate with the proper authority in all elections the specific place for which he or she offers by naming the incumbent judge whom he or she desires to succeed; and thereupon he or she shall be qualified, if otherwise qualified, to run for said specific judgeship and no other. In the event there is no incumbent

1 judge in the place for which he or she desires to offer, the candidate shall qualify by
2 announcing his or her intention to run for the office for which there is no incumbent.

3 **SECTION 4-4.**

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

10 **SECTION 4-5.**

11 The qualifications of such additional judge and his or her successors shall be the same as are
12 now provided by law for all other superior court judges; and his or her compensation, salary,
13 and expense allowance shall be the same as that of the other judges of the superior courts of
14 the Dublin Judicial Circuit. The provisions, if any, heretofore enacted for the
15 supplementation by the counties of said circuit of the salary of the judge of the superior
16 courts of the Dublin Judicial Circuit shall also be applicable to the additional judge provided
17 for by this Act.

18 **SECTION 4-6.**

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

26 **SECTION 4-7.**

27 The three judges of the superior courts of the Dublin Judicial Circuit of Georgia in
28 transacting the business of said courts and in performing their duties and responsibilities shall
29 share, divide, and allocate the work and duties to be performed by each. In the event of any
30 disagreement among said judges in any respect hereof, the decision of the senior judge in
31 point of service, who shall be known as the chief judge, shall be controlling. The judge with
32 the longest period of time of service shall be the senior judge. The chief judge shall have the
33 right to appoint referees of the juvenile courts of the counties comprising said circuit; and,
34 in the event a juvenile court is established in any of said counties within said circuit, as

1 provided by law, the chief judge shall appoint the judge of said court as provided by law. The
2 three judges of the superior courts of the Dublin Judicial Circuit shall have, and they are
3 clothed with, full power, authority, and discretion to determine from time to time, and term
4 to term, the manner of calling the dockets and fixing the calendars and order of business in
5 said courts. They may assign to one of said judges the hearing of trials by jury for a term, and
6 the hearing of all other matters not requiring a trial by a jury to one of the other judges; and
7 they may rotate such order of business at the next term. They may conduct trials by jury at
8 the same time in the same county or otherwise within said circuit, or they may hear chambers
9 business and motion business at the same time at any place within said circuit. They may
10 provide in all respects for holding the superior courts of said circuit so as to facilitate the
11 hearing and determination of all the business of said courts at any time pending and ready
12 for trial or hearing. In all such matters relating to the manner of fixing, arranging for, and
13 disposing of the business of said courts, and making appointments as authorized by law
14 where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge
15 shall control.

16 **SECTION 4-8.**

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

22 **SECTION 4-9.**

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

26 **SECTION 4-10.**

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

SECTION 4-11.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Dublin 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.

PART V.**SECTION 5-1.**

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

SECTION 5-2.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2008, and continuing through December 31, 2008, and until his or her successor is elected and qualified. 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 5-3.

The additional judge of the superior courts of the Enotah 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 Enotah 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 5-4.

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 counties of the superior courts of the Enotah 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

1 supplementation by the counties of said circuit of the salary of the judges of the superior
2 courts of the Enotah Judicial Circuit shall also be applicable to the additional judge provided
3 for by this Act.

4 **SECTION 5-5.**

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

12 **SECTION 5-6.**

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

22 **SECTION 5-7.**

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

28 **SECTION 5-8.**

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

SECTION 5-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Enotah Judicial Circuit may bear teste in the name of any judge of the Enotah 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 circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 5-10.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Enotah 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 in this Act are declared to be an expense of the court and payable out of the county treasury as such.

Part VI**SECTION 6-1.**

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

SECTION 6-2.

The additional judge of the superior court of the Gwinnett Judicial Circuit shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of said court 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 6-3.

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

SECTION 6-4.

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

SECTION 6-5.

Upon and after qualification of the additional judge of the superior court of the Gwinnett Judicial Circuit, the ten judges of said court shall be authorized to adopt, promulgate, amend, and enforce such rules of procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall divide and allocate the work and duties to be performed by each. In the event of a disagreement between or among said judges affecting the duties and responsibilities of the judges of the superior court of the Gwinnett Judicial Circuit, the decision of the senior judge in term of current continuous, uninterrupted service shall be controlling.

SECTION 6-6.

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

SECTION 6-7.

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

SECTION 6-8.

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

SECTION 6-9.

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

Part VII**SECTION 7-1.**

Nothing in this Act 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.

SECTION 7-2.

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

SECTION 7-3.

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