

House Bill 1416

By: Representatives Ramsey of the 72nd, Yates of the 73rd, Fludd of the 66th, and Abdul-Salaam of the 74th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of Fayette County, approved April 13, 1994
2 (Ga. L. 1994, p. 4980), as amended, so as to change qualifications of the state court judge;
3 to change statutory right to a jury trial; to change peremptory strikes; to change the
4 compensation of the judge; to change the compensation of the solicitor; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the State Court of Fayette County, approved April 13, 1994 (Ga. L. 1994,
9 p. 4980) is amended by revising Section 4 as follows:

10 "Section 4.

11 The judge of the State Court of Fayette County shall have been a resident of the State of
12 Georgia for three years, next preceding the beginning of said judge's term of office; the
13 judge shall also have been a resident of Fayette County for one year, next preceding the
14 beginning of said judge's term of office. A qualified candidate shall not be less than 25
15 years of age at the commencement of his or her term of office, shall have been admitted to
16 the practice of law for at least seven years, and shall be a member in good standing of the
17 State Bar of Georgia. The judge of the State Court of Fayette County shall be a full-time
18 judge and shall not engage in the private practice of law."

19 **SECTION 2.**

20 Said Act is further amended by revising Section 7 as follows:

21 "Section 7.

22 Either party may demand a jury trial at any time prior to the commencement of the trial by
23 filing a separate demand for trial by jury; provided, however, where neither party demands
24 a trial by jury the judge of the State Court of Fayette County shall have the right on said
25 judge's own motion and in his or her own discretion to refer any cause involving an issue

1 of fact to a jury for trial for a general verdict in said case, or said judge may refer any issue
2 of fact to a jury for the rendering of a special verdict on such issue, said jury trial to be had
3 in all other respects as if demanded by a party to said case. A jury trial once demanded by
4 either party shall not be waived except by written consent of the opposite party. Nothing
5 in this section shall be construed to provide a statutory right to a jury trial for any offense
6 for which the maximum incarceration does not exceed 60 days in jail or the maximum fine
7 does not exceed \$1,000.00, or both."

8 **SECTION 3.**

9 Said Act is further amended by revising subsection (a) of Section 9 as follows:

10 "(a) Proceedings in criminal cases in the State Court of Fayette County shall be by
11 accusation or referral of indictment by the Superior Court of Fayette County and trial shall
12 conform to rules governing like proceedings in the superior court, except that the jury in
13 said court shall consist of six jurors to be stricken alternately by the defendant and state
14 from a panel of twelve, as provided by Georgia law. The defendant shall be entitled to
15 three peremptory strikes and the state shall be entitled to two peremptory strikes. The
16 remaining jurors shall compose the jury."

17 **SECTION 4.**

18 Said Act is further amended by revising Section 17 as follows:

19 "Section 17.

20 The judge of the State Court of Fayette County shall receive as compensation an amount
21 equal to 90 percent of the base salary of a judge of the superior courts in the State of
22 Georgia plus 90 percent of the supplement paid to superior court judges of the Griffin
23 Judicial Circuit. Such compensation shall be paid in equal monthly installments from the
24 funds of Fayette County."

25 **SECTION 5.**

26 Said Act is further amended by revising Section 21 as follows:

27 "Section 21.

28 The solicitor of the State Court of Fayette County shall receive as compensation an amount
29 equal to 68 percent of the base salary of a judge of the superior courts for the State of
30 Georgia. Such compensation shall be paid in equal monthly installments from the funds
31 of Fayette County."

1 **SECTION 6.**

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

4 **SECTION 7.**

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