

The Senate Appropriations Committee offered the following substitute to HB 1163:

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 superior court judges for each judicial circuit, so as to provide for an additional
3 judge of the courts of the Alcovy and Douglas judicial circuits; to provide for the initial
4 appointment of such judges by the Governor; to provide for the election and term of office
5 of each such judge; to provide for the compensation, salary, and expense allowance of said
6 judges to be paid by the State of Georgia and the counties comprising the respective judicial
7 circuits; to provide for jurors; to authorize the judges of said circuits to divide and allocate
8 the work and duties thereof and provide for the duties of the chief judges and presiding
9 judges; to provide for powers, duties, and responsibilities of judges of said circuit; to provide
10 for additional court reporters and personnel and the compensation of such reporters and
11 personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws;
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 PART I
15 SECTION 1-1.

16 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
17 superior court judges for each judicial circuit, is amended by revising paragraphs (2) and
18 (15.1) as follows:

- 19 "(2) Alcovy Circuit 4 5"
- 20 "(15.1) Douglas Circuit 3 4"

PART II**SECTION 2-1.**

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

SECTION 2-2.

The additional judge of the superior courts of the Alcovy Judicial Circuit shall be appointed by the Governor for a term beginning January 1, 2009, and expiring December 31, 2010, and until his or her successor is elected and qualified. At the general election to be held in 2010, there shall be elected a successor to the first additional judge appointed as provided for in this Act, and he or she shall take office on the first day of January, 2011, and serve for a term of office of four years and until his or her successor is duly elected and qualified. All subsequent successors to such judge shall be elected at the general 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 2-3.

The additional judge of the superior courts of the Alcovy 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 2-4.

The compensation, salary, and contingent expense allowance of said additional judge of the superior courts of the Alcovy 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 counties comprising said circuit in the same manner and to the same extent as the present superior court judges of said circuit are paid.

SECTION 2-5.

All writs, processes, orders, subpoenas, and any other official papers issuing out of the superior courts of the Alcovy Judicial Circuit may bear teste in the name of any judge of said

1 circuit and, when issued by and in the name of any of said judges of said circuit, shall be
2 fully valid and may be held and determined before any judge of said circuit.

3 **SECTION 2-6.**

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

9 **SECTION 2-7.**

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

14 **SECTION 2-8.**

15 The governing authorities of the counties comprising the Alcovy Judicial Circuit are
16 authorized to provide suitable courtrooms, jury rooms, and chambers for the judges of the
17 superior courts of the Alcovy Judicial Circuit upon the recommendation of said judges.

18 **PART III**

19 **SECTION 3-1.**

20 A new judge of the superior courts is added to the Douglas Judicial Circuit, thereby
21 increasing to four the number of judges of said circuit.

22 **SECTION 3-2.**

23 An Act creating the Douglas Judicial Circuit, approved March 20, 1980 (Ga. L. 1980, p.
24 563), as amended, particularly by an Act approved March 27, 1998 (Ga. L. 1998, p. 220), is
25 amended by revising and restating all of the substantive portions of said Act as follows:

26 "SECTION 1.

27 (a) The Douglas Judicial Circuit shall be composed of the County of Douglas. There shall
28 be four judges of the superior court in the Douglas Judicial Circuit.

29 (b) The offices of the judges of the superior court and the district attorney of the Douglas
30 Judicial Circuit are created and shall be filled in the manner provided by law for the

1 election of judges of the superior courts of this state and at the nonpartisan judicial election
2 and for the election of district attorneys of this state and each such official shall serve a
3 term of four years and a successor is elected and qualified. The fourth judge appointed as
4 provided by this Act shall be appointed by the Governor for a term beginning January 1,
5 2009, until December 31, 2010, and a successor is elected and qualified. A successor to
6 the initial judge shall be elected in the manner provided by law for the election of judges
7 of the superior courts of this state at the nonpartisan judicial election in 2010, for a term of
8 four years beginning on January 1, 2010, and until a successor is elected and qualified.
9 Future successors shall be elected at the nonpartisan judicial election each four years after
10 such election for terms of four years and until their successors are elected and qualified.
11 Successors shall take office on the first day of January following the date of the election.
12 Such elections shall be held and conducted in a manner provided by law for the election
13 of judges of the superior courts of this state.

14 (c) The chief judge of the Douglas Judicial Circuit shall be the judge who has the most
15 experience as a sitting judge of a superior court in the State of Georgia. The four judges
16 of said court may adopt, promulgate, amend, and enforce such rules of practice and
17 procedure in consonance with the Constitution and laws of the State of Georgia as they
18 deem suitable and proper for the effective transaction of the business of the court; and, in
19 transacting the business of the court and in performing their duties and responsibilities,
20 they shall share, divide, and allocate the work and duties to be performed by each. In the
21 event of a disagreement between the judges as to the operation of the superior court, the
22 decision of the chief judge shall control. The chief judge shall be the presiding judge of
23 the court, in whom is to vest the power to make all appointments whenever the law
24 provides for the superior court judge to make appointments.

25 (d) The judges of the superior courts of the Douglas Judicial Circuit of Georgia shall have
26 and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the
27 present judges of the superior courts of this state. Any of the judges of the superior courts
28 of said circuit may preside over any case therein and perform any official act as judge
29 thereof.

30 SECTION 2.

31 (a) Each judge of said circuit shall receive such compensation and allowances as are now
32 or hereafter provided by law. In addition to the compensation and expenses paid from state
33 funds, each judge of the superior court of the Douglas Judicial Circuit shall receive a
34 supplemental expense allowance of \$8,000.00 per annum, payable in equal monthly
35 installments from the funds of Douglas County. Any other provision of law to the contrary
36 notwithstanding, such supplemental expense allowance paid under the provisions of this

1 subsection shall not be used or included in calculating any pension, retirement, or other
2 benefits or payments to such judge by Douglas County nor any payments to any such judge
3 who becomes a senior judge of the superior courts.

4 (b) Upon the request of any judge of the circuit, the governing authority of the county
5 comprising the Douglas Judicial Circuit is hereby authorized to furnish the judges of said
6 circuit with suitable courtrooms and facilities, office space, telephones, furniture, office
7 equipment, supplies, and such personnel as may be considered necessary by the court for
8 the proper functioning of the court. All the expenditures authorized in this subsection are
9 hereby declared to be expenses of the court and payable out of the county treasury as such.

10 SECTION 3.

11 (a) The compensation and allowances of the district attorney of said circuit shall be as now
12 or hereafter provided by law.

13 (b)(1) The district attorney may employ such additional assistant district attorneys,
14 deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical
15 assistants, victim and witness assistance personnel, and other employees or independent
16 contractors as may be authorized by the board of commissioners. Such personnel shall
17 be compensated by the county in a manner and amount fixed by the district attorney with
18 the approval of the board of commissioners.

19 (2) Any investigator appointed pursuant to this subsection or Code Section 15-18-14.1
20 of the O.C.G.A. shall meet the qualifications for certification as a peace officer as
21 provided in Chapter 8 of Title 35 of the O.C.G.A., the 'Georgia Peace Officer Standards
22 and Training Act.' Such investigators shall exercise all powers of a peace officer
23 including the power to make arrests and to apply for, execute, and return any warrant,
24 rule, order, or process within Douglas County.

25 (3) This subsection shall apply from the effective date of this subsection until
26 December 31, 2011, after which time this subsection shall be of no further force or effect.

27 SECTION 4.

28 (a) The grand jury of the Douglas Judicial Circuit shall convene as provided by law and
29 whenever, in the opinion of the judges of said circuit, it is expedient or necessary to have
30 a grand jury, they may, in their discretion, draw, call, and empanel a grand jury for services
31 at any term of court.

32 (b) All writs, processes, orders, subpoenas, and any other official paper issuing out of the
33 superior courts of the Douglas Judicial Circuit may bear teste in the name of any judge of
34 the Douglas Judicial Circuit, and when issued by and in the name of any judge of said

1 circuit shall be fully valid and may be heard and determined before the same or any other
2 judge of said circuit."

3 **SECTION 3-3.**

4 The compensation, salary, and contingent expense allowance of each judge of the Superior
5 Court for the Douglas Judicial Circuit of Georgia from the State of Georgia shall be the same
6 as that of other judges of the superior courts of Georgia.

7 **PART IV**

8 **SECTION 4-1.**

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

12 **SECTION 4-2.**

13 (a) For purposes of making the initial appointments of the judges to fill the superior court
14 judgeships created by this Act, this Act shall become effective upon its approval by the
15 Governor or its becoming law without such approval.

16 (b) For all other purposes, this Act shall become effective on January 1, 2009.

17 **SECTION 4-3.**

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