

House Bill 77

By: Representatives England of the 108<sup>th</sup>, Benton of the 31<sup>st</sup>, Harden of the 28<sup>th</sup>, and McCall of the 30<sup>th</sup>

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 create a new superior court  
3 judgeship for the Piedmont Judicial Circuit; to provide for the initial appointment, election,  
4 and term of office of such judge; to provide for the qualifications and for the compensation,  
5 salary, and expense allowance of such judge to be paid by the State of Georgia and the  
6 counties comprising the judicial circuit; to provide for jurors; to authorize the judges of said  
7 circuit to divide and allocate the work and duties thereto and provide for the duties of the  
8 chief judge and presiding judges; to provide for powers, duties, and responsibilities of judges  
9 of said circuit; to provide for additional court reporters and personnel and the compensation  
10 of such reporters and personnel; to provide for official papers; to provide for courtrooms,  
11 facilities, equipment, supplies, personnel, and expenses; to declare inherent authority; to  
12 provide effective dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of  
16 superior court judges for each judicial circuit, is amended by revising paragraph (32) as  
17 follows:

18 "(32) Piedmont Circuit ..... 34"

19 SECTION 2.

20 One additional judge of the superior courts is added to the Piedmont Judicial Circuit, thereby  
21 increasing to four the number of judges of said circuit.

22 SECTION 3.

23 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2009,  
24 and continuing through December 31, 2010, and until his or her successor is elected and

25 qualified. His or her successor shall be elected in the manner provided by law for the  
26 election of judges of the superior courts of this state at the nonpartisan judicial election in  
27 2010, for a term of four years beginning on January 1, 2011, and until his or her successor  
28 is elected and qualified. Future successors shall be elected at the nonpartisan judicial  
29 election each four years after such election for terms of four years and until their successors  
30 are elected and qualified. They shall take office on the first day of January following the date  
31 of the election.

32 **SECTION 4.**

33 The additional judge of the superior courts of the Piedmont Judicial Circuit of Georgia shall  
34 have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities  
35 of the present judges of the superior courts of this state. Any of the judges of the Piedmont  
36 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and  
37 perform any official act as judge thereof, including sitting on appellate courts as provided by  
38 law.

39 **SECTION 5.**

40 The qualifications of such additional judge and his or her successors and his or her  
41 compensation, salary, and expense allowance from the State of Georgia and from the  
42 counties of the superior courts of the Piedmont Judicial Circuit shall be the same as are now  
43 provided by law for all other superior court judges. The provisions, if any, enacted for the  
44 supplementation by the counties of said circuit of the salary of the judges of the superior  
45 courts of the Piedmont Judicial Circuit shall also be applicable to the additional judge  
46 provided for by this Act.

47 **SECTION 6.**

48 All writs and processes in the superior courts of the Piedmont Judicial Circuit shall be  
49 returnable to the terms of said superior courts as they are now fixed and provided by law, or  
50 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held  
51 in the same manner as though there were but one judge, it being the intent and purpose of this  
52 Act to provide four judges equal in jurisdiction and authority to attend and perform the  
53 functions, powers, and duties of the judges of said superior courts and to direct and conduct  
54 all hearings and trials in said courts.

55 **SECTION 7.**

56 Upon and after qualification of the additional judge of the superior court of the Piedmont  
57 Judicial Circuit, the judges of said court may adopt, promulgate, amend, and enforce such

58 rules of practice and procedure in consonance with the Constitution and laws of the State of  
59 Georgia as they deem suitable and proper for the effective transaction of the business of the  
60 court; and, in transacting the business of the court and in performing their duties and  
61 responsibilities, they shall share, divide, and allocate the work and duties to be performed by  
62 each. In the event of a disagreement among the judges in respect hereof, the majority shall  
63 rule, or failing a majority, the decision of the senior judge in point of service, who shall be  
64 known as the chief judge, shall be controlling.

65 **SECTION 8.**

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

71 **SECTION 9.**

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

75 **SECTION 10.**

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

82 **SECTION 11.**

83 Upon request of any judge of the circuit, the governing authorities of the counties comprising  
84 the Piedmont Judicial Circuit shall be authorized to furnish the judges of said circuit with  
85 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,  
86 supplies, and such personnel as may be considered necessary by the court to the proper  
87 function of the court. All of the expenditures authorized in this Act shall be expenses of the  
88 court and payable out of the county treasury as such.

89 **SECTION 12.**

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

93 **SECTION 13.**

94 (a) For purposes of making the initial appointment of the judge to fill the superior court  
95 judgeship created by this Act, this Act shall become effective upon its approval by the  
96 Governor or upon its becoming law without such approval.

97 (b) For all other purposes, this Act shall become effective July 1, 2009.

98 **SECTION 14.**

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