

House Bill 514 (COMMITTEE SUBSTITUTE)

By: Representatives Collins of the 27th, Golick of the 34th, Keen of the 179th, Hamilton of the 23rd, Levitas of the 82nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia, relating to general
2 provisions regarding the judicial system, so as to provide for provisions regarding the
3 assignment of senior judges; to provide for certain provisions regarding a senior judge's
4 status; to change certain provisions relating to certain courts requesting assistance of a senior
5 judge; to provide for related matters; to provide an effective date; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 15 of the Official Code of Georgia, relating to general provisions regarding
10 the judicial system, is amended by revising subsection (n) of Code Section 15-1-9.1, relating
11 to requesting judicial assistance from other courts, as follows:

12 "(n) Notwithstanding the provisions of this Code section, a senior judge shall not be
13 assigned, designated, or preside in any:

14 (1) ~~criminal~~ Criminal case involving a capital offense for which the death penalty may
15 be imposed once the state has filed a notice of its intention to seek the death penalty;
16 provided, however, that a senior judge may be assigned, designated, or preside in such
17 a case if the judge had previously been assigned or designated and presided over such
18 case while serving as an elected superior court judge prior to attaining senior judge status;
19 or

20 (2) Civil case involving a challenge to the constitutionality of any state statute or state
21 action, with the exception of habeas corpus actions; provided, however, that a senior
22 judge may be assigned, designated, or preside in such a case if the judge had previously
23 been assigned or designated and presided over such case while serving as an elected
24 superior court judge prior to attaining senior judge status."

25 **SECTION 2.**

26 Said chapter is further amended by revising subsection (e) of Code Section 15-1-9.2, relating
 27 to senior judge status and requesting assistance from senior judges, as follows:

28 "(e) Notwithstanding the provisions of this Code section, a senior judge shall not be
 29 assigned, designated, or preside in any:

30 (1) Criminal ~~criminal~~ case involving a capital offense for which the death penalty may
 31 be imposed once the state has filed a notice of its intention to seek the death penalty;
 32 provided, however, that a senior judge may be assigned, designated, or preside in such
 33 a case if the judge had previously been assigned or designated and presided over such
 34 case while serving as an elected superior court judge prior to attaining senior judge status;

35 or

36 (2) Civil case involving a challenge to the constitutionality of any state statute or state
 37 action, with the exception of habeas corpus actions; provided, however, that a senior
 38 judge may be assigned, designated, or preside in such a case if the judge had previously
 39 been assigned or designated and presided over such case while serving as an elected
 40 superior court judge prior to attaining senior judge status."

41 **SECTION 3.**

42 Said chapter is further amended by revising subsection (g) of Code Section 15-1-9.3, relating
 43 to senior judges of the state court, probate court, or juvenile court and requesting assistance
 44 of a senior judge, as follows:

45 "(g) Notwithstanding the provisions of this Code section, a senior judge shall not be
 46 assigned, designated, or preside in any:

47 (1) Criminal ~~criminal~~ case involving a capital offense for which the death penalty may
 48 be imposed once the state has filed a notice of its intention to seek the death penalty;
 49 provided, however, that a senior judge may be assigned, designated, or preside in such
 50 a case if the judge had previously been assigned or designated and presided over such
 51 case while serving as an elected superior court judge prior to attaining senior judge status;

52 or

53 (2) Civil case involving a challenge to the constitutionality of any state statute or state
 54 action, with the exception of habeas corpus actions; provided, however, that a senior
 55 judge may be assigned, designated, or preside in such a case if the judge had previously
 56 been assigned or designated and presided over such case while serving as an elected
 57 superior court judge prior to attaining senior judge status."

58

SECTION 4.

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

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SECTION 5.

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