

House Resolution 5

By: Representative Franklin of the 43rd

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to remove
2 provisions relative to decisions of the Court of Appeals and Supreme Court binding other
3 courts and thereby provide that persons who are not parties to judicial actions shall not be
4 bound by decisions therein; to provide for submission of this amendment for ratification or
5 rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 SECTION 1.

8 Article VI, Section V of the Constitution is amended by revising Paragraph III as follows:

9 "Paragraph III. *Jurisdiction of Court of Appeals; decisions binding.* The Court of
10 Appeals shall be a court of review and shall exercise appellate and certiorari jurisdiction
11 in all cases not reserved to the Supreme Court or conferred on other courts by law. ~~The~~
12 ~~decisions of the Court of Appeals insofar as not in conflict with those of the Supreme Court~~
13 ~~shall bind all courts except the Supreme Court as precedents."~~

14 SECTION 2.

15 Article VI, Section VI of the Constitution is amended by striking in its entirety Paragraph VI
16 which reads as follows:

17 "Paragraph VI. *Decisions of Supreme Court binding.* The decisions of the Supreme
18 Court shall bind all other courts as precedents."

19 SECTION 3.

20 The above proposed amendment to the Constitution shall be published and submitted as
21 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
22 above proposed amendment shall have written or printed thereon the following:

23 " YES Shall the Constitution of Georgia be amended so as to recognize the
24 common law tradition that while judicial precedent may be evidence of the
25 NO law that judicial precedent is not law?"

26 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
27 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
28 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
29 become a part of the Constitution of this state.