

House Bill 149

By: Representatives Bearden of the 68th, Powell of the 171st, Willard of the 49th, Cheokas of the 134th, and Weldon of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated,
2 relating to magistrates, so as to provide for the termination of magistrates under certain
3 circumstances; to provide for related matters; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
8 magistrates, is amended by revising subsections (a) and (d) of Code Section 15-10-20,
9 relating to the number and selection of magistrates, as follows:

10 "(a) Each magistrate court shall have a chief magistrate and may have one or more other
11 magistrates. Such magistrates shall be the judges of the magistrate court and shall be
12 known as magistrates of the county. Unless otherwise provided by local law, the number
13 of magistrates in each county shall be fixed from time to time by majority vote of the
14 judges of the superior court of the county, but no magistrate shall be removed from office
15 during a term of office except ~~for cause~~ as provided by Code Sections 15-10-24, ~~and~~
16 ~~15-10-25, or 15-10-28~~. The number of magistrates authorized for the county shall be one
17 magistrate until increased by the judges of superior court or by local law; ~~but this~~
18 ~~subsection shall not operate to remove a magistrate from office during his term of office."~~

19 "(d) Unless otherwise provided by local law, all magistrates taking office on or after
20 January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall
21 be elected by the voters of the county at the general election next preceding the expiration
22 of the term of the incumbent chief magistrate, in a partisan election in the same manner as
23 county officers are elected, for a term beginning on the first day of January following his
24 or her election. His or her successors shall likewise be elected quadrennially thereafter for
25 terms beginning on the first day of January following their election. Magistrates other than
26 the chief magistrate shall be appointed by the chief magistrate with the consent of the

27 judges of the superior court. The term of a magistrate so appointed shall run concurrently
 28 with the term of the chief magistrate by whom he or she was appointed, subject to the
 29 termination procedures contained in Code Section 15-10-28."

30 **SECTION 2.**

31 Said article is further amended by adding a new Code section to read as follows:

32 "15-10-28.

33 (a) Magistrates other than the chief magistrate who are appointed by the chief magistrate
 34 with the consent of the judges of the superior court may be terminated upon petition by the
 35 chief magistrate to the chief judge of the superior court of the circuit in which the
 36 magistrate sits. A majority of the superior court judges shall consent, in writing, to the
 37 chief magistrate's request prior to the termination of a magistrate previously appointed by
 38 the chief magistrate.

39 (b) If a majority of the judges of the superior court determines that a magistrate other than
 40 the chief magistrate should be terminated, the chief judge of the superior court shall issue
 41 a written order of termination which shall be signed by the chief judge and by all of the
 42 judges of the superior court consenting to such termination and shall have the order
 43 personally served upon such magistrate or mailed to such magistrate by certified mail,
 44 return receipt requested, or by statutory overnight delivery at such magistrate's judicial
 45 chambers or home address. Such order shall provide that the date of termination is
 46 effective immediately. The order shall be filed with the clerk of the superior court. The
 47 chief judge of the superior court shall cause of a copy of such order to be mailed to the
 48 Administrative Office of the Courts.

49 (c) A magistrate other than the chief magistrate may be terminated pursuant to this Code
 50 section without cause.

51 (d) Nothing contained in this Code section shall be deemed to limit the authority of the
 52 Judicial Qualifications Commission to take action to remove a magistrate for cause
 53 pursuant to Code Section 15-10-24."

54 **SECTION 3.**

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

57 **SECTION 4.**

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