

House Bill 665

By: Representative Maddox of the 127th

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 9, 15, and 44, Chapter 18 of Title 50, and Code Section 36-9-5 of the
2 Official Code of Georgia Annotated, relating to civil practice, courts, property, state printing
3 and documents, and storage of documents, respectively, so as to modernize provisions
4 relating to storage, collection, access, and transmittal of documents housed in clerk of
5 superior court offices; to provide for modern technological advances in electronic record
6 keeping; to provide for storage of depositions; to allow superior court clerks to serve as
7 clerks in other courts; to change provisions relating to the selection of the clerk of court when
8 a vacancy occurs; to increase the bond required by the clerk of court; to change provisions
9 relating to the clerk's duties; to change provisions relating to recordation and display of maps
10 and plats; to change provisions relating to destruction of obsolete records and preservation
11 of newspapers with legal advertisements; to change provisions relating to payment of costs;
12 to remove provisions relating to punishment of clerks; to change provisions relating to the
13 process for removal of clerks; to change provisions relating to the location of clerk's offices
14 and office hours; to remove the fee system; to change provisions relating to cases transferred
15 from magistrate to state or superior courts; to change provisions on storage of books the
16 sheriff is required to keep; to change provisions relating to recording property records; to
17 change provisions relating to inspection of records and disclosure of records; to change
18 provisions relating to microform standards; to amend Code Section 1-3-1, Code Section
19 9-13-142, Title 15, and Title 42 of the Official Code of Georgia Annotated, relating to
20 construction of statutes generally, requirements for an official organ of publication, courts,
21 and penal institutions, respectively, so as to conform provisions and correct cross-references;
22 to provide for related matters; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

26 Title 9 of the Official Code of Georgia Annotated, relating to civil practice, is amended by
 27 revising Code Section 9-11-29.1, relating to when depositions and other discovery material
 28 must be filed with court and custodian until filing, as follows:

29 "9-11-29.1.

30 (a) Depositions and other discovery material otherwise required to be filed with the court
 31 under this chapter shall not be required to be so filed unless:

32 (1) Required by local rule of court;

33 (2) Ordered by the court;

34 (3) Requested by any party to the action;

35 (4) Relief relating to discovery material is sought under this chapter and said material has
 36 not previously been filed under some other provision of this chapter, in which event
 37 copies of the material in dispute shall be filed by the movant contemporaneously with the
 38 motion for relief; or

39 (5) Such material is to be used at trial or is necessary to a pretrial or posttrial motion and
 40 said material has not previously been filed under some other provision of this chapter, in
 41 which event the portions to be used shall be filed with the clerk of the court at the outset
 42 of the trial or at the filing of the motion, insofar as their use can be reasonably anticipated
 43 by the parties having custody thereof, but a party attempting to file and use such material
 44 which was not filed with the clerk at the outset of the trial or at the filing of the motion
 45 shall show to the satisfaction of the court, before the court may authorize such filing and
 46 use, that sufficient reasons exist to justify that late filing and use and that the late filing
 47 and use will not constitute surprise or manifest injustice to any other party in the
 48 proceedings.

49 (b) Until such time as discovery material is filed under paragraphs (1) through (5) of
 50 subsection (a) of this Code section, the original of all depositions shall be retained by the
 51 party taking the deposition and the original of all other discovery material shall be retained
 52 by the party requesting such material, and the person thus retaining the deposition or other
 53 discovery material shall be the custodian thereof.

54 (c) When depositions and other discovery material are filed with the clerk of the court as
 55 provided in subsection (a) this Code section, the clerk of the court shall retain such original
 56 documents and materials until final disposition, either by verdict or appeal, of the action
 57 in which such materials were filed. The clerk of the court shall be authorized thereafter to
 58 destroy such materials upon microfilming or digitally imaging such materials and
 59 maintaining such materials in a manner that facilitates retrieval and reproduction; provided,

60 however, that the clerk of court shall not be required to microfilm or digitally image
 61 depositions that are not used for evidentiary purposes during the trial of the issues of the
 62 case in which such depositions were filed."

63 **SECTION 1-2.**

64 Said title is further amended by revising subsection (a) of Code Section 9-12-81, relating to
 65 the general execution docket, as follows:

66 "(a) The clerk of the superior court of each county shall be required to keep a general
 67 execution docket in paper or electronic data base form."

68 **SECTION 1-3.**

69 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 70 Code Section 15-6-51, relating to eligibility to serve as city or state court clerk, as follows:

71 "15-6-51.

72 Clerks of the superior courts shall be eligible to hold the office of clerk of the ~~city or~~
 73 municipal, state, or other court in the counties of their residence, on taking the oath and
 74 giving bond and security as prescribed by law."

75 **SECTION 1-4.**

76 Said title is further amended by revising Code Section 15-6-53, relating to appointment of
 77 clerk by presiding judge, as follows:

78 "15-6-53.

79 ~~(a) If there is an absence or if the clerk or his deputy for any reason does not act as clerk~~
 80 ~~at the time provided by law for holding a term of the superior courts, the presiding judge~~
 81 ~~thereof shall appoint a clerk who shall hold the office of clerk during the term and for ten~~
 82 ~~days thereafter. Any act which the appointed clerk does during such time which the clerk~~
 83 ~~could have done shall be valid. In any county in which a chief deputy clerk has been~~
 84 appointed pursuant to Code Section 15-6-59, the chief deputy clerk shall become the clerk
 85 of the superior court if the clerk of superior court dies, resigns, is removed from office
 86 pursuant to the provisions of Code Section 45-2-1, or otherwise vacates office. The chief
 87 deputy clerk shall hold office for the unexpired term of his or her predecessor.

88 (b)(1) In any county in which a chief deputy clerk has not been appointed pursuant to
 89 Code Section 15-6-59, a panel consisting of the sheriff, probate judge, and tax
 90 commissioner of the county shall, by a majority vote of such panel, immediately appoint
 91 a qualified person to serve as the interim clerk of the superior court when the clerk
 92 vacates office for any reason. Such interim clerk shall serve in such capacity until the
 93 vacancy is filled pursuant to the provisions of this subsection; provided, however, that the

94 interim clerk shall not serve more than one year. Any act done by the interim clerk during
 95 such period that the clerk could have done shall be valid. If, by the expiration of the time
 96 specified, there is no one else to act as clerk, the appointee mentioned in subsection (a)
 97 of this Code section may continue as such until there is an appointment or election. Any
 98 appointee or other person lawfully discharging the clerk's duties shall continue to do so
 99 until there is an election and qualification.

100 (2) When a vacancy is filled pursuant to paragraph (1) of this Code section and it is more
 101 than six months from the date when the clerk vacated office until the next general
 102 election is held, the county official who manages elections for the county shall be
 103 authorized to set a date for a special election to fill the vacancy, and such official shall
 104 give notice in one or more of the public newspapers of the county, if any, at the
 105 courthouse, and at three or more of the most public places of the county at least 30 days
 106 prior to the date of election. Such special election shall be held at least 120 days but no
 107 later than 365 days after the date the vacancy occurred. The person elected on such date
 108 shall hold office for the unexpired term of his or her predecessor. The returns of the
 109 election shall be made to the Governor, who shall immediately commission the person
 110 elected clerk."

111 **SECTION 1-5.**

112 Said title is further amended by revising Code Section 15-6-54, relating to the appointment
 113 by probate judge pending filling of vacancy and duration of appointment, as follows:

114 "15-6-54.

115 ~~(a) As soon as a vacancy in the office of superior court clerk occurs or in anticipation of~~
 116 ~~such a vacancy, the judge of the probate court must appoint some qualified person to~~
 117 ~~discharge the duties of clerk until the vacancy is filled.~~

118 ~~(b) When a vacancy occurs and it is not more than six months from the time the election~~
 119 ~~can be called by the judge of the probate court and held until the existing term will expire,~~
 120 ~~the person or persons appointed shall discharge the duties of the office for the balance of~~
 121 ~~the term and there shall be no special election Reserved."~~

122 **SECTION 1-6.**

123 Said title is further amended by revising Code Section 15-6-55, relating to emergency service
 124 by the probate court judge or clerk, as follows:

125 "15-6-55.

126 If from as a result of any sudden emergency there is a vacancy in the office of clerk of the
 127 superior court, and a proper qualified person cannot immediately be appointed fill the
 128 vacancy pursuant to Code Section 15-6-53, the judge of the probate court or his clerk shall

129 act as clerk of the superior court for a period not to exceed 120 days. Any act done by the
 130 probate judge during such period that the clerk could have done shall be valid."

131 **SECTION 1-7.**

132 Said title is further amended by revising Code Section 15-6-56, relating to election to fill
 133 vacancy, term of office, and filling of vacancies in counties with chief deputy clerk, as
 134 follows:

135 "15-6-56.

136 ~~(a) When a vacancy occurs or in anticipation of a vacancy, the judge of the probate court~~
 137 ~~of the county where it happens shall give notice in one or more of the public newspapers~~
 138 ~~of the county, if any, and at the courthouse, and at three or more of the most public places~~
 139 ~~of the county 20 days prior to the date of election, which date shall be set by him.~~

140 ~~(b) The person elected on such date shall hold office for the unexpired term of his~~
 141 ~~predecessor. The returns of the election must be made to the Governor, who must~~
 142 ~~commission the clerk.~~

143 ~~(c) In any county in which the position of chief deputy clerk has been created by law or~~
 144 ~~in which a chief deputy clerk has been appointed pursuant to Code Section 15-6-59, the~~
 145 ~~chief deputy clerk shall succeed the clerk of the superior court if a vacancy occurs. The~~
 146 ~~chief deputy clerk shall serve until January 1 following the next general election which is~~
 147 ~~held more than 60 days after the date the vacancy occurs; provided, however, that in no~~
 148 ~~event shall the chief deputy clerk serve past the date that the successor is qualified~~
 149 ~~immediately upon the expiration of the term of office in which the vacancy was created.~~
 150 ~~If a portion of the original term will remain unexpired after January 1, then a person to fill~~
 151 ~~the vacancy for the remainder of the unexpired term shall be elected at such general~~
 152 ~~election. In any such case, the other provisions of law for filling such a vacancy shall not~~
 153 ~~apply. The provisions of this subsection shall only be applicable to the clerk of the superior~~
 154 ~~court and shall not be applicable to other county officers Reserved."~~

155 **SECTION 1-8.**

156 Said title is further amended by revising subsection (a) of Code Section 15-6-58, relating to
 157 oath of office, as follows:

158 "(a) The clerks of the superior courts, before entering upon the discharge of their duties,
 159 whether appointed, elected, or acting by operation of law besides the oath required of all
 160 civil officers, must take and subscribe to the following oath:

161 'I do swear or affirm that I will truly and faithfully enter and record all the orders,
 162 decrees, judgments, and other proceedings of the Superior Court of the County of
 163 _____, and all other matters and things which I am required by law ~~ought by me to~~

164 ~~be recorded~~ to record; and that I will faithfully and impartially discharge and perform all
 165 the duties required of me, to the best of my understanding. So help me God."

166 **SECTION 1-9.**

167 Said title is further amended by revising Code Section 15-6-59, relating to bond and
 168 appointment of deputies, as follows:

169 "15-6-59.

170 (a) The clerks of the superior courts, ~~except those appointed by a judge of the superior~~
 171 ~~court and those becoming clerk by operation of law~~, shall execute bond in the sum of
 172 ~~\$25,000.00~~ \$1 million, which amount may be increased in any county by local Act. When
 173 the clerk of the superior court deems that the minimum bond required by this subsection
 174 is insufficient to protect the pecuniary interests of the citizens of the county in which such
 175 clerk serves, such clerk shall be authorized to purchase any additional indemnity coverage
 176 necessary to protect the citizens of his or her county from financial injury that may result
 177 from errors, omissions, negligence, or any other act or inaction by such clerk or any person
 178 employed by the clerk's office. Costs for bonds and indemnity coverage for the office of
 179 the clerk of the superior court shall be paid by the governing authority of the county.

180 (b) The clerks of the superior courts shall have the power to appoint a deputy or deputies
 181 and ~~may, upon making such appointment, shall~~ require from ~~him or them~~ such deputies a
 182 bond with good security. The deputies shall take the same oaths as the clerks do before
 183 entering upon the discharge of their duties. ~~Their powers~~ The oath shall be administered
 184 by the clerk of the superior court and recorded on the minutes of the superior court.
 185 Powers and duties of deputy clerks shall be the same as those of the clerks, as long as their
 186 principals continue in office and not longer, for faithful performance of which they and
 187 their securities shall be bound. The clerks of the superior courts shall also have the
 188 authority to appoint one of their deputies as chief deputy clerk ~~unless otherwise provided~~
 189 ~~by local law.~~"

190 **SECTION 1-10.**

191 Said title is further amended by revising Code Section 15-6-61, relating to duties of clerks
 192 generally, use of computerized record-keeping system, and printed copies of the grantor and
 193 grantee indices, as follows:

194 "15-6-61.

195 (a) It is the duty of a clerk of the superior court:

196 (1) To keep the clerk's office and all things belonging thereto at the county site and at the
 197 courthouse or at such other place or places as authorized by law;

- 198 (2) To attend to the needs of the court ~~in~~ through the performance of the duties of the
199 clerk required and enumerated by law;
- 200 (3) To issue and sign every summons, writ, execution, process, order, or other paper
201 under authority of the court and attach seals thereto when necessary. The clerk shall be
202 authorized to issue and sign under authority of the court any order to show cause in any
203 pending litigation and any other order in the nature of a rule nisi, where no injunctive or
204 extraordinary relief is granted;
- 205 (4) To keep in the clerk's office the following ~~dockets or books~~:
- 206 (A) An automated civil case management system which shall contain separate case
207 number entries for all civil actions filed in the office of the clerk, including complaints,
208 proceedings, Uniform Interstate Family Support Act actions, domestic relations,
209 contempt actions, motions and modifications on closed civil actions, and all other
210 actions civil in nature except adoptions;
- 211 (B) An automated criminal case management system which shall contain a summary
212 record of all criminal indictments in which true bills are rendered and all criminal
213 accusations filed in the office of the clerk of the superior court. The criminal case
214 management system shall contain entries of other matters of a criminal nature filed with
215 the clerk, including quasi-civil proceedings and entries of cases which are ordered dead
216 docketed at the discretion of the presiding judge and which shall be called only at the
217 judge's pleasure. When a case is thus dead docketed, all witnesses who may have been
218 subpoenaed therein shall be released from further attendance until resubpoenaed; and
- 219 (C) A docket, file, series of files, book or series of books, microfilm records, or
220 electronic data base for recording all deeds, liens, executions, lis pendens, maps and
221 plats, and all other documents concerning or evidencing title to real or personal
222 property. When any other law of this state refers to a general execution docket, lis
223 pendens docket, or attachment docket, such other law shall be deemed to refer to the
224 docket or other record or records provided for in this subparagraph, regardless of the
225 format used to store such docket;
- 226 (5) To keep all the books, papers, dockets, and records belonging to the office with care
227 and security and to keep the papers filed, arranged, numbered, and labeled, so as to be of
228 easy reference;
- 229 (6) To keep at the clerk's office all publications of the laws of the United States furnished
230 by the state and all publications of the laws and journals of this state, all statute laws and
231 digests, this Code, which shall be paid for from county funds, the Supreme Court and
232 Court of Appeals reports, and all other law books or other public documents distributed
233 to ~~him~~ the clerk, for the public's convenience; provided, however, that the clerk may
234 consent that these publications be maintained in the public law library;

- 235 (7) To procure using county funds a substantial seal of office with the name of the court
 236 and the county inscribed thereon, ~~if this has not already been done;~~
- 237 (8) To make out and deliver to any applicant, upon payment to the clerk of legal fees, a
 238 correct transcript, properly certified, of any minute, record, or file of the clerk's office
 239 except for such records or documents which are, by provision of law, not to be released;
- 240 (9) Upon payment of legal fees to the clerk, to make out a transcript of the record of each
 241 case to be considered by the Supreme Court or the Court of Appeals and a duplicate
 242 thereof numbered in exact accordance with the numbering of the pages of the original
 243 transcript of the record to be transmitted to the Supreme Court and the Court of Appeals;
- 244 (10) To make a notation on all conveyances ~~or~~ of real or personal property, including
 245 liens, of the day date and time they were left presented to the clerk of the superior court
 246 to be recorded, which shall be evidence of the facts stated. Beginning July 1, 1998, all
 247 All liens or conveyances left to be filed shall presented to the clerk for filing shall be on
 248 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch paper and shall have a three-inch margin
 249 at the top to allow space for the clerk's notation required by this paragraph. If any lien
 250 or conveyance shall be presented for filing without sufficient margin, the clerk shall
 251 attach a piece of paper sufficient to give such margin at the top of the filing. Such
 252 notation The clerk shall not record any instrument or document conveying real or
 253 personal property, including liens, that is not prepared on paper of the required size or
 254 that does not have a sufficient margin. The notation required by this paragraph may be
 255 made by the clerk or the clerk's deputy or employee by written signature, facsimile
 256 signature, ~~or~~ mechanical printing, or electronic signature or stamp;
- 257 (11) To attest deeds and other written instruments for registration;
- 258 (12) To administer all oaths required by the court or that may otherwise be required by
 259 law and to record all oaths required by law;
- 260 (13) To transmit to the Georgia Superior Court Clerks' Cooperative Authority or its
 261 designated agent within 24 hours of filing of any financing statement, amendment to a
 262 financing statement, assignment of a financing statement, continuation statement,
 263 termination statement, or release of collateral, by facsimile or other electronic means,
 264 such information and in such form and manner as may be required by the Georgia
 265 Superior Court Clerks' Cooperative Authority, for the purpose of including such
 266 information in the central indexing system administered by such authority; provided,
 267 however, that weekends and holidays shall not be included in the calculation of the 24
 268 hour period;
- 269 (14) To remit to the Georgia Superior Court Clerks' Cooperative Authority a portion of
 270 all fees collected with respect to the filings of financing statements, amendments to
 271 financing statements, assignments of financing statements, continuation statements,

272 termination statements, releases of collateral, or any other documents related to personal
273 property and included in the central index, in accordance with the rules and regulations
274 of such authority regarding the amount and payment of such fees; provided, however, that
275 such fees shall be remitted to the authority not later than the tenth day of the month
276 following the collection of such fees, and the clerk shall not be required to remit such fees
277 more often than once a week;

278 (15) To participate in the state-wide uniform automated information system for real and
279 personal property records, as provided for by Code Sections 15-6-97 and 15-6-98, and
280 any network established by the Georgia Superior Court Clerks' Cooperative Authority
281 relating to the transmission and retrieval of electronic information concerning real estate
282 and personal property data for any such information systems established by such
283 authority so as to provide for public access to real estate and personal property
284 information, including liens filed pursuant to Code Section 44-2-2 and maps and plats.
285 Each clerk of the superior court shall provide to the authority or its designated agent in
286 accordance with the rules and regulations of the authority such real estate information
287 concerning or evidencing title to real property and such personal property information or
288 access to such information which is of record in the office of clerk of the superior court
289 and which is necessary to establish and maintain the information system, including
290 information filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of the
291 superior court shall provide and transmit real estate and personal property information
292 filed in the office of the clerk of superior court, including information required by Code
293 Section 44-2-2 and maps and plats, to the authority for testing and operation of the
294 information system at such times and in such form as prescribed by the authority;

295 ~~(15.1)~~(16) To participate in any network established by the Georgia Superior Court
296 Clerks' Cooperative Authority relating to the transmission and retrieval of electronic
297 information concerning carbon sequestration results and related transactions for any such
298 information systems established by such authority for purposes of the carbon
299 sequestration registry established pursuant to Article 5 of Chapter 6 of Title 12, so as to
300 provide for public access to carbon sequestration registry information. Each clerk of the
301 superior court shall provide to the authority or its designated agent in accordance with the
302 rules and regulations of the authority such information evidencing carbon sequestration
303 results and related transactions and access to such information which is of record in the
304 office of clerk of the superior court and which is necessary for purposes of the carbon
305 sequestration registry. Each clerk of the superior court shall provide and transmit carbon
306 sequestration results and related transaction information filed in the office of the clerk of
307 superior court to the authority for testing and operation of the electronic information
308 system for the carbon sequestration registry at such times and in such form as prescribed

309 by the authority. Each clerk shall charge and collect such fees as may be established by
 310 the Georgia Superior Courts Clerks' Cooperative Authority, which shall be paid into the
 311 county treasury less and except any sums as are otherwise directed to be paid to the
 312 authority, all in accordance with rules and regulations adopted by the authority pursuant
 313 to Code Section 15-6-97.2;

314 ~~(16)~~(17) To file and transmit all civil case filing and disposition forms required to be
 315 filed pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of Code
 316 Section 9-11-58;

317 ~~(17)~~(18)(A) To transmit to the Superior Court Clerks' Cooperative Authority within 30
 318 days of filing the civil case filing and disposition forms prescribed in Code Section
 319 9-11-133.

320 (B) To electronically collect and transmit to the Georgia Superior Court Clerks'
 321 Cooperative Authority all data elements required in subsection (g) of Code Section
 322 35-3-36 in a form and format required by the Superior Court Clerks' Cooperative
 323 Authority and The Council of Superior Court Clerks of Georgia. ~~The electronic~~
 324 ~~collection and transmission of data shall begin no later than January 1, 2002.~~ The data
 325 transmitted to the authority pursuant to this Code section shall be transmitted to the
 326 Georgia Crime Information Center in satisfaction of the clerk's duties under subsection
 327 (g) of Code Section 35-3-36 and to the Georgia Courts Automation Commission ~~who~~
 328 which shall provide the data to the Administrative Office of the Courts for use of the
 329 state judicial branch. Public access to said data shall remain the responsibility of the
 330 Georgia Crime Information Center. No release of collected data shall be made by or
 331 through the authority;

332 ~~(18)~~(19) To participate in agreements, contracts, and networks necessary or convenient
 333 for the performance of the duties ~~provided in paragraphs (16) and (17) of this subsection~~
 334 required by law; and

335 ~~(19)~~(20) To perform such other duties ~~as are or may be~~ required by law or as necessarily
 336 appertain to the office of clerk of the superior court.

337 (b) Nothing in this Code section shall restrict or otherwise prohibit a clerk from electing
 338 to store for computer retrieval any or all records, dockets, indices, or files; nor shall a clerk
 339 be prohibited from combining or consolidating any books, dockets, files, or indices in
 340 connection with the filing for record of papers of the kind specified in this Code section or
 341 any other law, provided that any automated or computerized record-keeping method or
 342 system shall provide for the systematic and safe preservation and retrieval of all books,
 343 dockets, records, or indices. When the clerk of the superior court elects to store for
 344 computer retrieval any or all records, the same data elements used in a manual system shall
 345 be used, and the same integrity and security maintained. Regardless of the automated or

346 computerized system elected, each clerk shall maintain and make readily available to the
 347 public ~~complete, printed copies of the~~ real estate grantor and grantee indices, which shall
 348 be updated regularly; and prepared in compliance with paragraph (15) of subsection (a) of
 349 this Code section and Code Section 15-6-66."

350 SECTION 1-11.

351 Said title is further amended by revising Code Section 15-6-62, relating to additional duties,
 352 as follows:

353 "15-6-62.

354 (a) The clerk of the superior court is required to record all the proceedings relating to any
 355 civil action or criminal case within six months after the final determination of the case.
 356 Such recording may be in well-bound books, on microfilm, or in digital format. If a clerk
 357 elects to record proceedings on microfilm or in digital format, he or she shall make
 358 available to the public a machine for reading and reproducing such microfilmed or digitally
 359 formatted records. If a clerk elects to record proceedings in digital format, the provisions
 360 of Code Section 15-6-62.1 shall apply.

361 (b) Every clerk of the superior ~~or city courts must record immediately in his book of final~~
 362 ~~records~~ court shall record, microfilm, or digitally image for the purpose of permanently
 363 preserving:

- 364 (1) Every part of the pleadings in every case;
- 365 (2) All garnishments, affidavits, bonds, and answers thereto;
- 366 (3) All attachment affidavits, bonds, and writs of attachment; and
- 367 (4) All claim affidavits and bonds and all bonds given in any judicial proceeding.

368 ~~The~~ No clerk shall not allow any of such papers record to be taken from his or her office
 369 before recording them as required in this Code section. ~~Such record shall constitute a part~~
 370 ~~or all of the final record of the papers required by law to be made, as the case may be.~~

371 (c) ~~If any subsequent paper in the case is recorded, the clerk shall make a reference at the~~
 372 ~~foot of the record required in this Code section, to the page where such subsequent record~~
 373 ~~may be found and shall also state the case in the index to the book of record and shall enter~~
 374 ~~the number of the pages on which the same is to be found.~~

375 (d)(c) Where any paper ~~so recorded~~ becomes lost or destroyed, a certified copy thereof
 376 from the clerk of the superior court may be substituted. No fee shall be charged or collected
 377 for any such copy if the loss of the same is caused by or results from any negligence or
 378 fault of the clerk.

379 (e) ~~Any clerk who fails to discharge the duties set forth in this Code section is subject to~~
 380 ~~be fined by the presiding judge, on his own motion, for a contempt whenever the judge~~
 381 ~~discovers that the clerk has failed to discharge his duties. It shall be the duty of the judges~~

382 ~~of the several superior courts to give this law specially in charge to the grand juries and to~~
 383 ~~require them to inform the court whether or not the clerk has performed the duties specified~~
 384 ~~as aforesaid. However, clerks shall not be punished for contempt under this Code section~~
 385 ~~until after the paper or papers required to be recorded have been filed for three months.~~
 386 ~~(f)(d) This Code section shall not apply to cases dismissed and settled before the record~~
 387 ~~is made."~~

388 **SECTION 1-12.**

389 Said title is further amended by revising Code Section 15-6-63, relating to obtaining of
 390 names of grantors and grantees prior to recordation of title transfer, as follows:

391 "15-6-63.

392 (a) The clerk of the superior court, prior to recordation of any deed which has the effect
 393 of transferring title, shall ~~obtain the name and address of the grantor(s) and the grantee(s)~~
 394 ~~either in the deed or on the real estate transfer tax declaration form~~ be furnished with all
 395 of the names and addresses of the grantors and grantees provided in the deed.

396 (b) ~~The failure of the clerk to obtain the name and address as required in subsection (a) of~~
 397 ~~this Code section shall in no way affect the title to the real estate involved, the~~
 398 ~~marketability of title, or the notice intent of the recorded deed."~~

399 **SECTION 1-13.**

400 Said title is further amended by revising subsections (a) and (b) of Code Section 15-6-66,
 401 relating to grantor-grantee index, as follows:

402 "(a) The clerk of the superior court shall provide at the expense of each county ~~a suitable~~
 403 ~~duplex index book, or a series of books, or a card index, or a microfilm record, or an~~
 404 ~~electronic data base, or any combination of one or more of such systems, in which shall be~~
 405 ~~indexed~~ an electronic, computer-based system in which the name of the grantor and grantee
 406 of every instrument recorded pursuant to subparagraph (a)(4)(C) of Code Section 15-6-61;
 407 such index to shall be indexed. Such index shall include the character of the instrument,
 408 the book or location of the record, and the date of filing ~~and to include the time of filing if~~
 409 ~~not otherwise reflected in the record.~~

410 (b) The name of the grantor ~~as~~ listed in the index shall be the name of the owner of the title
 411 which such instrument purports to convey or affect, whether the instrument was executed
 412 by the owner or by some other person, firm, or corporation on behalf of such owner, and
 413 whether or not such owner is deceased."

414 **SECTION 1-14.**

415 Said title is further amended by revising Code Section 15-6-67, relating to recordation of
 416 maps and plats, and specifications, as follows:

417 "15-6-67.

418 (a) The clerk of the superior court shall file and record in his or her office maps or plats
 419 relating to real estate in the county.

420 (b) Maps or plats to be filed and recorded in the office of the clerk of the superior court
 421 shall be prepared in accordance with the following minimum standards and specifications:

422 **(1) Material.**

423 (A) Any such maps or plats shall be a good legible copy, ~~such as a blue, white, or other~~
 424 commercial print reproduced from an original.

425 (B) ~~The minimum line widths and letter or character heights delineated on such maps~~
 426 ~~or plats shall be as follows:~~

427 ~~(i) Maps or plats drawn on 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch tracings~~
 428 ~~shall have a minimum line width of 0.010 inches and a minimum letter or character~~
 429 ~~height of 0.080 inches;~~

430 ~~(ii) Maps or plats drawn on 11 inch by 17 inch tracings shall have a minimum line~~
 431 ~~width of 0.010 inches and minimum letter or character height of 0.080 inches; or~~

432 ~~(iii) Maps or plats drawn on 17 inch by 22 inch or 24 inch by 36 inch tracings shall~~
 433 ~~have a minimum line width of 0.013 inches and a minimum letter or character height~~
 434 ~~of 0.080 inches.~~

435 ~~(C) In counties using microfilming procedures, when a map or plat is filed for record~~
 436 ~~the original drawing, which shall not be larger than 24 inches by 36 inches, shall be~~
 437 ~~submitted to the clerk for microfilming and a legible copy, which shall not be larger~~
 438 ~~than 17 inches by 22 inches, shall be filed for record; provided, however, that a full-size~~
 439 ~~positive copy of the original may be tendered and used for microfilming. Maps or plats~~
 440 ~~shall not be less than 8 1/2 inches by 11 inches and not larger than 11 inches by 17~~
 441 ~~inches, provided that the clerk shall be authorized to file maps or plats in compliance~~
 442 ~~with this subparagraph. When an original map or plat larger than 11 inches by 17~~
 443 ~~inches is submitted to the clerk for filing and recordation, the clerk shall be authorized~~
 444 ~~to accept the plat for recordation only upon receiving the original physical plat and a~~
 445 ~~digital copy thereof and a physical copy of such plat reduced to not larger than 11~~
 446 ~~inches by 17 inches. To ensure the digital copy is legible, the digital copy shall be in~~
 447 ~~an electronic format approved by the clerk. The clerk shall enter manually or~~
 448 ~~electronically the filing date, plat book number, and page number on the original~~
 449 ~~drawing plat and shall cause the same information to be entered electronically on the~~
 450 ~~physical and digital copies presented for filing and shall return the original drawing to~~

451 the land surveyor or the person filing the same for record. The clerk shall permanently
 452 retain the original physical and digital copy of the plat. Both shall serve as evidence
 453 of the original drawing. The physical copy, the digital copy, or both may be displayed
 454 to the public in compliance with Code Section 15-6-68;

455 (2) **Caption.** ~~The maps~~ Maps or plats shall have a title or name which shall be contained
 456 in the caption, and the caption shall also provide the following information:

457 (A) The county, city, town, or village, land district and land lot, and subdivision, if the
 458 property lies within a particular subdivision;

459 (B) The date of plat preparation and the date of the field survey;

460 (C) The scale, stated and shown graphically;

461 (D) The name, address, telephone number, and registration number of the land
 462 surveyor or the statement that he or she is the county surveyor and is not required by
 463 law to be a registered surveyor; and

464 (E) All reproductions of original maps or plats shall bear the original signature, in
 465 black a contrasting color of ink, of the registrant placed across the registration seal in
 466 order to be a valid or recordable map or plat. The provisions of this subparagraph shall
 467 apply to all maps or plats that are sealed by a land surveyor which depict and describe
 468 real property boundaries. Maps and plats which do not meet the requirements of this
 469 subparagraph shall not be sealed nor recorded;

470 (3) **Size.** Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger
 471 than ~~can be recorded without folding~~ 24 inches by 36 inches, provided that the clerk shall
 472 be authorized to file maps or plats that are submitted in compliance with subparagraph
 473 (b)(1)(B) of this Code section;

474 (4) **Data.** Maps or plats shall be made in a professional manner and in accordance with
 475 the standards of good drafting procedures and shall show the following information, as
 476 specified:

477 (A) All maps or plats shall show the direction and distance from a point of reference
 478 to a point on the boundary of the individual survey, and such additional data as may be
 479 required to relocate the boundary point from the point of reference with the same
 480 degree of accuracy required of the parcel surveyed. The point of reference shall be an
 481 established, monumented position which can be identified or relocated from maps,
 482 plats, or other documents on public record. The direction and distance to the point of
 483 reference shall be made by a surveyor in conjunction with and to the same level of
 484 precision as the surveyed boundary;

485 (B) All maps or plats of boundary surveys or subdivision surveys shall show bearings
 486 of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and
 487 area of the parcels expressed in acres or square feet;

488 (C) All maps or plats of boundary surveys shall show the closure precision of the field
 489 survey as the ratio of one foot to the traversed distance in which an error of one foot
 490 would occur, angular or positional error, and a statement as to the method of
 491 adjustment. ~~The closure~~ This data may be stated as follows:

492 ~~'The field data upon which this map or plat is based has a closure precision of one foot~~
 493 ~~in _____ feet, and an angular error of _____ per angle point, and was adjusted~~
 494 ~~using _____ rule';~~

495 '(i) The field data upon which this map or plat is based has a closure precision of one
 496 foot in _____ feet;

497 (ii)(I) The field data upon which this map or plat is based has an angular error of
 498 _____ per angle point. This subdivision applies to traditional surveys; or

499 (II) The control survey for this boundary was conducted with global positioning
 500 systems and there is not a traditional angular error to report; and

501 (iii) The field data upon which this map or plat is based was adjusted using _____';

502 (D) All maps or plats of boundary surveys shall show the closure precision of the data
 503 shown on the map or plat. The closure precision statement shall be based upon an actual
 504 independent calculation using the bearings and distances from the face of the map or
 505 plat. The closure may be stated as follows:

506 'This map or plat has been calculated for closure and is found to be accurate within
 507 one foot in _____ feet';

508 (E) All maps or plats shall show the width and the former widths, if pertinent, of all
 509 rights of way and road surfaces adjacent to or crossing the property or adjacent to any
 510 point of reference;

511 (F) All maps or plats shall show easements and apparent encroachments, if pertinent;

512 (G) In the case of curved lines, the curve shall be defined by curve data to include the
 513 radius, arc length, chord bearing, and distance for regular curves. Chord distances and
 514 directions shall be given for irregular curves;

515 (H) All land lot lines, land district lines, land section lines, and city, county, and state
 516 boundaries intersecting or adjacent to the surveyed property shall be indicated by lines
 517 drawn upon the map or plat with appropriate words and figures;

518 (I) All corner markers and markers of pertinent reference points shall be fully
 519 described and indicated as to their size and material ~~or types~~ and shall be ~~constructed~~
 520 ~~of a permanent material such as iron, steel, concrete, or stone~~ indicated as found or set;

521 (J) An arrow shall be shown on the map or plat to indicate the principal meridian, and
 522 a notation shall be made as to the reference of bearings to magnetic north, referenced
 523 in a previous survey, astronomic north, or grid north. A grid north reference shall
 524 indicate the zone;

525 (K) All linear distances shown on maps or plats shall be horizontal and expressed in
 526 United States Survey feet;

527 (L) All angular directions shown on maps or plats shall be represented in ~~degrees and~~
 528 ~~minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the~~
 529 ~~angular directions shall be represented in~~ degrees, minutes, and seconds. All angular
 530 directions shall be referenced to the principal meridian;

531 (M) A statement shall be shown on the map or plat to indicate the type of equipment
 532 used to obtain the linear and angular measurements used in the preparation of the map
 533 or plat; and

534 (N) All maps or plats shall show the ~~state plane coordinates of at least two permanent~~
 535 ~~monuments thereon, when a National Geodetic Survey monument is within 500 feet of~~
 536 ~~any point on the property mapped or platted, or any point of reference shown thereon~~
 537 names of adjacent property owners on all lines, as can be determined at the time of
 538 commencement of the survey through public records such as the county tax assessor or
 539 clerk of the superior court, together with a reference to any deed or plat used by the
 540 surveyor in the analysis of the surveyed boundaries.

541 (c) If the plat meets the requirements of subsections (b) and (d) of this Code section, it
 542 shall be the duty of the clerk of the superior court to file and record such map or plat or
 543 blueprint, tracing, ~~photostatic copy~~ digital image, or other copy of a map or plat.

544 (d)(1) Whenever the municipal planning commission, the county planning commission,
 545 the municipal-county planning commission, or, if no such planning commission exists,
 546 the appropriate municipal or county governing authority prepares and adopts subdivision
 547 regulations, and upon receiving approval thereon by the appropriate governing authority,
 548 then no plat of subdivision of land within the municipality or the county shall be filed or
 549 recorded in the office of the clerk of the superior court of a county without the approval
 550 thereon of the municipal or county planning commission or governing authority and
 551 without such approval having been entered in writing on the plat by the secretary or other
 552 designated person of the municipal or county planning commission or governing
 553 authority. The clerk of the superior court shall not file or record a plat of subdivision
 554 which does not have the approval of the municipal or county planning commission or
 555 governing authority as required by this subsection. Notwithstanding any other provision
 556 of this subsection to the contrary, no approval shall be required if no new streets or roads
 557 are created or no new utility improvements are required or no new sanitary sewer or
 558 approval of a septic tank is required.

559 (2) Any plat of survey containing thereon a certification from the licensed surveyor that
 560 the provisions relative to paragraph (1) of this subsection do not require approval shall
 561 entitle said plat to record. Any licensed surveyor who fraudulently certifies that a plat of

562 survey does not require approval as specified in paragraph (1) of this subsection shall be
 563 guilty of a misdemeanor."

564 **SECTION 1-15.**

565 Said title is further amended by revising Code Section 15-6-68, relating to display of maps
 566 and plats, index, land lot record, and notation of date and time on face of plat, as follows:

567 "15-6-68.

568 (a) The clerk of each superior court shall provide ~~appropriate binders, not less than 18~~
 569 ~~inches by 24 inches in size, in which the maps or plats or prints thereof referred to in Code~~
 570 ~~Section 15-6-67 shall be placed without the necessity of folding in any manner. One of the~~
 571 ~~binders and the prints therein contained shall be open to the general public for inspection,~~
 572 ~~as are all other public records in the clerk's office. Alternatively, in those counties using~~
 573 ~~microfilm procedures, the clerk thereof shall take such steps as are necessary to provide~~
 574 ~~access to the same information~~ books, binders, or any other alternative system, either
 575 manual or electronic, for providing public access to maps and plats.

576 (b) The clerk of the superior court shall also provide an ~~appropriate index book, or a series~~
 577 ~~of index books, or a card index, or a microfilm record, or an electronic data base, or any~~
 578 ~~combination of one or more of such systems, in which shall be indexed all such~~ electronic,
 579 computer-based indexing system in which shall be indexed all maps or plats under the
 580 caption or name of the subdivision, if any, under the name of the owner or owners of the
 581 property mapped or platted, and also under the land lot number and district number if the
 582 land lies in that portion of the state which has been surveyed into land lots and districts.

583 (c) In counties of this state that are divided into land lots, the clerk of the superior court
 584 shall ~~maintain a record for each individual~~ provide an electronic, computer-based system
 585 for maintaining a record for each land lot by listing all surveys made for each lot and where
 586 they are recorded.

587 (d) The clerk shall note the date and time of the filing of a plat for record on the face of the
 588 plat."

589 **SECTION 1-16.**

590 Said title is further amended by revising Code Section 15-6-73, relating to destruction of
 591 obsolete records, as follows:

592 "15-6-73.

593 (a) Clerks of the superior court ~~are~~ shall be authorized, from time to time, to destroy books
 594 containing records of instruments conveying personal property only, including bills of sale,
 595 mortgages, conditional sales contracts, retention title contracts, and bills of sale to secure
 596 debt, ~~which records are over 15~~ whenever the records are older than five years of age.

597 (b) Every clerk of the superior court ~~or city court is~~ shall be, from time to time, authorized
 598 to destroy original civil pleadings which have been recorded in the minutes or writ books
 599 of the court in every civil case which has been finally terminated for ~~20~~ five years or more,
 600 except cases involving divorce, titles to land, legitimation of a child or children, and
 601 proceedings for adoption."

602 **SECTION 1-17.**

603 Said title is further amended by revising Code Section 15-6-74, relating to preservation of
 604 newspapers containing advertisements, as follows:

605 "15-6-74.

606 (a) The clerk of the superior court is required to procure and preserve for public inspection
 607 a complete file of all newspaper issues in which ~~his~~ legal advertisements ~~actually appear~~
 608 are published.

609 (b) The issues of the newspapers so preserved shall be bound, microfilmed, ~~photostated,~~
 610 ~~or photographed,~~ or digitally imaged and such newspapers, ~~microfilm, photographs, or~~
 611 ~~photostatic~~ copies thereof shall be maintained and made available to the public within the
 612 ~~county courthouse~~ for a period of not less than 50 years, after which time the newspapers;
 613 ~~microfilm, photographs, or other photostatic copies may be destroyed, at the discretion of~~
 614 ~~the clerk of the superior court or copies thereof shall be preserved for historical purposes~~
 615 in electronic or micrographic format.

616 (c) The clerk of the superior court is authorized to enter into an agreement with either the
 617 judge of the probate court or the sheriff of the county, or both, relative to the binding,
 618 retention, microfilming, photographing, or ~~photostating~~ digital imaging of the newspapers
 619 and their preservation and retention, in which event it shall be necessary that only one set
 620 of newspapers or copies thereof shall be retained in the county courthouse. Such set of
 621 newspapers or copies thereof shall include copies of the newspaper issues in which the
 622 clerk's advertisements appear and the newspaper issues in which the advertisements which
 623 the judge of the probate court or the sheriff, or both, are required to preserve and retain
 624 appear. The agreement shall specify the person who shall maintain and preserve the
 625 newspapers, microfilm, photographs, or ~~photostatic~~ digital copies.

626 (d) Any journal or newspaper declared, made, or maintained as the official organ of any
 627 county for the publication of sheriff's sales, citations of probate court judges, or any other
 628 advertising commonly known in terms of 'official or legal advertising' shall provide to the
 629 clerk of the superior court copies of such journal or newspaper containing legal
 630 advertisements, in digital or microfilm format, whichever medium is preferred by the clerk,
 631 when the clerk shall be required to comply with provisions of subsection (a) or (b) of this
 632 Code section. The copies shall be provided to the clerk, the judge of the probate court, and

633 the sheriff by January 31 of the year following the year in which the newspaper served as
 634 the official legal organ of the county. Failure to provide such copies to the clerk shall
 635 disqualify the newspaper from serving as the official legal organ of any county of this state
 636 as provided in Code Section 9-13-142."

637 **SECTION 1-18.**

638 Said title is further amended by revising Code Section 15-6-79, relating to payment of unpaid
 639 costs in felony cases, as follows:

640 "15-6-79.

641 ~~In all of the counties of this state in which superior court clerks are paid on a fee basis, all~~
 642 ~~unpaid costs arising from services rendered in felony cases, including transcripts to~~
 643 ~~appellate courts under indigency affidavits, which are due clerks of the superior courts shall~~
 644 ~~be paid from county funds after each term of court by order of the judge approving same,~~
 645 ~~whether the defendant is convicted or acquitted Reserved."~~

646 **SECTION 1-19.**

647 Said title is further amended by revising Code Section 15-6-80, relating to payment of
 648 transcript costs to clerk before transmittal, as follows:

649 "15-6-80.

650 In all cases certified to the appellate courts, the costs for preparing the transcript of the
 651 record shall be paid by the appellant to the clerk before the same is transmitted unless the
 652 presiding judge approves an affidavit submitted to the judge by the appellant makes
 653 affidavit that he certifying that the appellant is unable to pay such costs or give security
 654 therefor upon the appellant providing adequate security for such costs."

655 **SECTION 1-20.**

656 Said title is further amended by revising Code Section 15-6-81, relating to failure to perform
 657 duty punishable as contempt, as follows:

658 "15-6-81.

659 ~~Any clerk of the superior court who fails to perform any duty or to exercise any authority~~
 660 ~~set forth in this article is subject to be fined for each offense by the presiding judge as for~~
 661 ~~a contempt of court, on information of any party aggrieved, of which the clerk shall have~~
 662 ~~notice in writing Reserved."~~

663 **SECTION 1-21.**

664 Said title is further amended by revising Code Section 15-6-82, relating to removal of
 665 superior court clerks, charges, and trial, as follows:

666 "15-6-82.

667 A clerk of the superior court ~~is subject to~~ may be removed from office by the ~~judge of the~~
 668 ~~court for any sufficient cause, including incapacity or misbehavior in office. The charges~~
 669 ~~must be exhibited to the court in writing, and the facts tried by a jury. The clerk shall be~~
 670 ~~entitled to a copy of the charges three days before trial~~ Governor upon a determination of
 671 a jury selected in accordance with Chapter 12 of this title finding that such clerk is
 672 ineligible to perform statutory duties or is ineligible to hold office pursuant to any
 673 applicable provision of Code Section 45-2-1."

674 **SECTION 1-22.**

675 Said title is further amended by revising Code Section 15-6-86, relating to location of clerk's
 676 office in place other than courthouse, storage of records in different location, and county
 677 documents exception, as follows:

678 "15-6-86.

679 (a) In the event that the space at the courthouse is inadequate for the clerk's office and the
 680 things belonging thereto, the clerk, in writing, may request the governing authority of the
 681 county to move his or her office to some other designated place in the county. In his or her
 682 request, the clerk shall state the inadequacy which exists. The governing authority shall
 683 be authorized to comply with the request ~~and may~~ but may only designate another place
 684 as the office of the clerk with the approval of the clerk. Such place must be owned by the
 685 county or a body politic and shall not be more than 500 feet from the courthouse at their
 686 nearest points. ~~The judge of the superior court of the circuit in which the county is located~~
 687 ~~or the chief judge in those circuits having more than one judge must give written consent~~
 688 ~~before the clerk shall be authorized to move his or her office to such place.~~

689 (b) In the event that space at the courthouse or other place where the office of the clerk is
 690 located is inadequate to ensure the safe storage of records, the clerk, after obtaining written
 691 permission approval from the governing authority of the county ~~and from the superior court~~
 692 ~~judge of the circuit in which the county is located or the chief judge in those circuits having~~
 693 ~~more than one judge~~, may cause the records to be stored at a data storage and retrieval
 694 facility within the State of Georgia. The clerk shall give public notice of the place of
 695 storage by posting notice at the courthouse. If documents are stored ~~outside the county~~
 696 ~~where the documents were created~~ in any place other than the location where the
 697 documents were created, filed, or recorded, the government entity shall:

698 (1) Bear all costs of transporting such documents back to the county of origin for
 699 purposes of responding to requests under Article 4 of Chapter 18 of Title 50, relating to
 700 inspections of public records; and

701 (2) Provide by contract for:

702 (A) Specific retrieval times in which documents requested shall be delivered; and
 703 (B) Payment of additional fees by the person requesting the document from the clerk
 704 for expedited service.

705 ~~(c)(1) Subject to the requirements of paragraph (2) of this subsection, in~~ In a county
 706 where the county site is located in an unincorporated area of the county and the county
 707 governing authority has constructed one or more permanent satellite courthouses within
 708 the county and has further designated each such structure as a courthouse annex or has
 709 otherwise established each such structure as an additional courthouse to the courthouse
 710 located at the county site, the clerk of the superior court shall be authorized to maintain
 711 his or her offices and all things belonging thereto including the permanent records at one
 712 of the additional courthouse locations or at the courthouse at the county site. The clerk
 713 of the superior court may, but is shall not be required to, maintain a satellite office at an
 714 additional courthouse which is not the location of the clerk of the superior court's main
 715 office where the permanent records are kept. No one may for any purpose remove
 716 records of the clerk of the superior court from the courthouse or the clerk's satellite office
 717 without the written consent of the clerk.

718 ~~(2) The judge of the superior court of the circuit in which the county is located, or the~~
 719 ~~chief judge if the county is a part of a circuit having more than one judge, must give~~
 720 ~~written consent for the relocation or additional office, or both, and the county governing~~
 721 ~~authority shall provide the necessary office space at the alternate or additional location,~~
 722 ~~or both.~~

723 (d) Notwithstanding any other provision of this Code section, county documents, as
 724 defined in subsection (c) of Code Section 36-9-5, shall be stored only in accordance with
 725 the provisions of Code Section 36-9-5."

726 SECTION 1-23.

727 Said title is further amended by revising Code Section 15-6-87, relating to use of photostatic
 728 and photographic equipment, as follows:

729 "15-6-87.

730 (a) The clerk of the superior court of any county of this state may install and use
 731 photostatic digital or other photographic equipment, including microfilm photographic
 732 equipment, and electronic or computer equipment for use in the filing, docketing,
 733 recording, copying, binding, indexing, certification, and furnishing of copies, including
 734 certified copies, of any and all instruments, records, and proceedings or parts of the same
 735 of record or on file in the clerk's office, ~~with the consent and permission only of the county~~
 736 ~~governing authority.~~ The equipment and supplies for the same may shall be provided by
 737 the proper and respective county authorities out of county funds.

738 (b) All provisions of law relating to the filing, docketing, recording, keeping, copying,
 739 binding, indexing, certification, and furnishing of copies of records, including certified
 740 copies, and those provisions relating to the amount of fees of officers in connection
 741 therewith, as far as may be consistent with this Code section, shall apply to such ~~photostatic~~
 742 ~~and digital~~, photographic, ~~and electronic~~ records and copies.

743 ~~(c) The provisions of this Code section for the installation and use of the equipment~~
 744 ~~enumerated in subsection (a) of this Code section shall be construed as permissive only and~~
 745 ~~are cumulative of other laws. However, should such equipment be purchased as authorized~~
 746 ~~in this Code section, the use of the equipment shall be mandatory insofar as practical.~~

747 ~~(d) This Code section shall not be construed to change or repeal any rule of court or~~
 748 ~~provision of law relating to records on appeal or review in the courts of this state."~~

749 **SECTION 1-24.**

750 Said title is further amended by revising Code Section 15-6-87.1, relating to participation in
 751 state-wide county computerized information network and authorized fees, as follows:

752 ~~"15-6-87.1.~~

753 ~~Provided that the General Assembly appropriates the necessary funds for the establishment~~
 754 ~~and operation of a state-wide county computerized information network, each clerk of a~~
 755 ~~superior court shall participate in the network so as to provide local public access to any~~
 756 ~~information which is filed with the Secretary of State pursuant to Title 14 and which is~~
 757 ~~available through such a computerized information network. The network may be~~
 758 ~~developed to provide each clerk of a superior court with additional public information.~~
 759 ~~Each clerk of a superior court shall be authorized, but not required, to charge and collect~~
 760 ~~a fee of not more than \$2.00 for the first page and 50¢ per page for each additional page~~
 761 ~~to recover the cost of providing a printed copy of any information which is available~~
 762 ~~through the computerized information network."~~

763 **SECTION 1-25.**

764 Said title is further amended by revising Code Section 15-6-88.1, relating to adjustment of
 765 schedule for certain counties containing federal land, as follows:

766 ~~"15-6-88.1.~~

767 ~~In any county in which more than 70 percent of the population of the county according to~~
 768 ~~the United States decennial census of 1980 or any future such census resides on property~~
 769 ~~of the United States government which is exempt from taxation by this state, the population~~
 770 ~~of the county for purposes of Code Section 15-6-88 shall be deemed to be the total~~
 771 ~~population of the county minus the population of the county which resides on property of~~
 772 ~~the United States government."~~

773 **SECTION 1-26.**

774 Said title is further amended by revising Code Section 15-6-89, relating to additional
775 remuneration for certain services, as follows:

776 "15-6-89.

777 In addition to the minimum salary provided in Code Section 15-6-88 or any other salary
778 provided by any applicable general or local law, each clerk of the superior court of any
779 county who also serves as clerk of a state court, city municipal court, juvenile court, or civil
780 court, or any other court or division thereof created under any applicable general or local
781 law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code
782 Section 15-12-1 shall receive for his or her services in such other court a salary of not less
783 than \$323.59 per month, to be paid from the funds of the county. In the event any such
784 court for which a clerk of the superior court is serving as clerk is abolished, the clerk of the
785 superior court shall not be entitled to any salary heretofore received for service in such
786 court."

787 **SECTION 1-27.**

788 Said title is further amended by revising Code Section 15-6-92, relating to continuation of
789 fee system, as follows:

790 "15-6-92.

791 ~~Code Sections 15-6-88 through 15-6-91 and this Code section shall not be construed so as~~
792 ~~to place any clerk of the superior court who is on the fee system of compensation on April~~
793 ~~1, 1973, on a salary system of compensation. Any clerk who is compensated under the fee~~
794 ~~system of compensation on April 1, 1973, shall continue to receive compensation under the~~
795 ~~fee system of compensation until local legislation is enacted by the General Assembly~~
796 ~~placing such clerk on an annual salary equal to or greater than the minimum annual salary~~
797 ~~provided for in Code Sections 15-6-88 through 15-6-91 and this Code section Reserved."~~

798 **SECTION 1-28.**

799 Said title is further amended by revising Code Section 15-6-93, relating to office hours, as
800 follows:

801 "15-6-93.

802 (a) Except as provided in this Code section, the office of each clerk of the superior court
803 shall be open to conduct business Monday through Friday from at least 9:00 A.M. until
804 5:00 P.M. and shall not close for any period of time during such hours.

805 (b) Any office of a clerk of a superior court which is open for operation on Saturday may
806 close on one day Monday through Friday for a period of time equal to that period of time
807 during which the office is open on Saturday. Nothing in this Code section shall be

808 construed as requiring any office of a clerk of a superior court to be open on any public ~~and~~
 809 holiday, legal holiday or, day of rest which, or other similar time that is recognized and
 810 designated as such by Georgia law or by the governing authority of the county.

811 (c) This Code section shall only apply to the office of a clerk of a superior court if there
 812 is employed in that office at least one employee other than the clerk.

813 (d) In any county of this state having a population of fewer than 10,000 persons according
 814 to the United States decennial census of 1980 or any future such census, the clerk of the
 815 superior court may close such office for a designated lunch period if all other county
 816 offices in the county courthouse simultaneously close for a lunch period. The period of
 817 closing of the clerk's office shall coincide with the period for closing the other county
 818 offices.

819 (e) Nothing in this Code section shall be construed to require the office of the clerk of the
 820 superior court to be open if all other county offices are closed because of inclement weather
 821 or any other reason.

822 (f) When it is necessary for the clerk of the superior court to conduct necessary training
 823 of employees, the clerk may close his or her office for up to eight hours during any
 824 six-month period, provided that he or she gives at least three days' notice to the public prior
 825 to such closing."

826 **SECTION 1-29.**

827 Said title is further amended by revising Code Section 15-10-87, relating to magistrate court
 828 filing fees to be transferred upon transfer of case to state or superior court, as follows:

829 "15-10-87.

830 When any case is to be transferred from the magistrate court to the state court or superior
 831 court, the magistrate court shall collect and transmit to the state court clerk or superior
 832 court clerk the filing same fee ~~paid to the magistrate court. The state court clerk or superior~~
 833 ~~court clerk shall file the case without further deposit against costs or filing fee, but as~~
 834 ~~between the parties the costs shall be as in other cases in the state court or superior court.~~
 835 that is required for filing a civil case in the applicable court. The amount to be collected
 836 and transmitted by the magistrate to the clerk of the state court or superior court shall
 837 include the original filing fees and service costs paid to the magistrate court plus any
 838 additional sums required for the payment of the filing fee in the state court or superior
 839 court. Together with the requisite filing fees, the magistrate shall transmit to the clerk of
 840 the state court or superior court a certified copy of the contents of the entire file for the case
 841 being transferred. When the clerk of the state court or superior court serves as the clerk of
 842 the magistrate court, the clerk shall be authorized to facilitate transfers from the magistrate
 843 court to the state court or superior court using any practical means deemed appropriate by

844 the clerk; provided, however, that the requisite filing fees shall be taxed against and
 845 collected from the parties in the civil action as a prerequisite to conducting the transfer."

846 **SECTION 1-30.**

847 Said title is further amended by revising Code Section 15-13-33, relating to the table of fees
 848 to be kept, as follows:

849 "15-13-33.

850 (a) Every public official ~~must~~ shall constantly keep and have posted in a conspicuous place
 851 in his or her office ~~or~~, the place where ~~he usually executes~~ the business thereof is
 852 conducted, or in an electronic format accessible to the public a table of his fees for his or
 853 her office stated in fair words and figures. On failure to do so, he shall forfeit \$1.00 per
 854 day for every day he so neglects, to be recovered at the action of any informer. The
 855 informer shall be entitled to keep the entire recovery.

856 (b) Every public official ~~who keeps in a conspicuous place in his office or the place where~~
 857 ~~he usually executes the business thereof a copy of~~ shall provide access to this Code shall
 858 be held and construed to have complied with in a conspicuous place in his or her office or
 859 the place where he or she executes the business thereof which shall be deemed to satisfy
 860 the requirements of this Code section."

861 **SECTION 1-31.**

862 Said title is further amended by revising Code Section 15-13-36, relating to restrictions on
 863 superior or state court clerks charging fees for certified copies of records, as follows:

864 "15-13-36.

865 No clerk of any superior court or state court shall charge any fee for providing any certified
 866 copy of any record or portion thereof requested by a ~~solicitor, solicitor-general, district~~
 867 ~~attorney, or assistant district prosecuting attorney in this state~~ for use in any criminal case."

868 **SECTION 1-32.**

869 Said title is further amended by revising Code Section 15-16-11, relating to disposition of
 870 books, as follows:

871 "15-16-11.

872 All books which the sheriff is required to keep, after becoming full, ~~must~~ shall be deposited
 873 in the office of the ~~clerk of the superior court~~ county records manager to be kept as are
 874 other books of record; provided, however, that records which the sheriff is required to keep
 875 and which are computerized shall be maintained and stored for computer retrieval in the
 876 office of sheriff."

877 **SECTION 1-33.**

878 Code Section 36-9-5 of the Official Code of Georgia Annotated, relating to erection, repair,
 879 and furnishing of county buildings and storage of documents, is amended by revising
 880 paragraph (2) of subsection (c), as follows:

881 "(2) A county officer, the county board of tax assessors, or any other officer of the county
 882 having the responsibility or custody of any county documents set forth in paragraph (1)
 883 of this subsection shall, at night or when the county office is closed, keep such county
 884 documents:

885 (A) In a fireproof safe or vault;

886 (B) In fireproof cabinets;

887 (C) On microfilm, pursuant to the standards set forth in Article 6 of Chapter 18 of Title
 888 50, only if a security copy has been sent to the Georgia State Archives; ~~or~~

889 (D) At a location not more than 100 miles from the county in a data storage and
 890 retrieval facility approved by the county governing authority within the State of
 891 Georgia which is in a building or facility which is in compliance with the fire safety
 892 standards applicable to archives and record centers as established by the National Fire
 893 Protection Association in Standard No. 232, as such standard was adopted on August
 894 11, 1995. If documents are stored outside the county where the documents were
 895 created, the government entity shall bear all costs of transporting such documents back
 896 to the county of origin for purposes of responding to requests under Article 4 of Chapter
 897 18 of Title 50, relating to inspections of public records. Such documents shall be made
 898 available to the requester; or

899 (E) On any other electronic imaging medium that facilitates retrieval of such
 900 documents via electronic means, provided that such medium enables conversion of such
 901 documents to future electronic imaging technologies and provided that such custodian
 902 creates a daily computer-based backup of all archival documents stored on such
 903 medium."

904 **SECTION 1-34.**

905 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by
 906 revising subsection (a) of Code Section 44-2-14, relating to requirements for recordation, as
 907 follows:

908 "(a) Except for documents electronically filed as provided for in Chapter 12 of Title 10,
 909 and in other Code sections in this part, before ~~Before~~ any deed to realty or personalty or
 910 any mortgage, bond for title, or other recordable instrument executed in this state may be
 911 recorded, it ~~must~~ shall be an original instrument and shall be attested or acknowledged as
 912 provided by law. However, nothing in this Code section shall dispense with another

913 witness where an additional witness is required. This Code section shall not apply to
 914 transactions covered by Article 9 of Title 11."

915 **SECTION 1-35.**

916 Said title is further amended by revising Code Section 44-2-26, relating to recording of a plat
 917 or a copy of a plat, as follows:

918 "44-2-26.

919 The owner of real property or of any interest therein or any holder of a lien thereon may
 920 have a plat of the property or a blueprint, tracing, ~~photostatic~~ digital copy, or other copy
 921 of a plat of the property recorded and indexed in the office of the clerk of the superior court
 922 of the county in which the property or any part thereof is located. It shall be the duty of the
 923 clerk to record and index any plat or any blueprint, tracing, ~~photostatic~~ digital copy, or
 924 other copy of the plat that conforms with Code Section 15-6-67."

925 **SECTION 1-36.**

926 Said title is further amended by revising Code Section 44-5-30, relating to requisites of deeds
 927 to lands, as follows:

928 "44-5-30.

929 Except for documents electronically filed as provided for in Chapter 12 of Title 10 and Part
 930 1 of Article 1 of Chapter 2 of this title, a ~~A~~ deed to lands ~~must~~ shall be an original
 931 document, in writing, signed by the maker, and attested by at least two witnesses. It ~~must~~
 932 shall be delivered to the purchaser or his or her representative and be made on a good or
 933 valuable consideration. The consideration of a deed may always be inquired into when the
 934 principles of justice require it."

935 **SECTION 1-37.**

936 Said title is further amended by revising Code Section 44-14-4, relating to the procedure for
 937 cancellation of mortgage, as follows:

938 "44-14-4.

939 Any mortgagor who has paid off his or her mortgage may present the paid mortgage to the
 940 clerk of the superior court of the county or counties in which the mortgage instrument is
 941 recorded, together with the order of the mortgagee or transferee directing that the mortgage
 942 be canceled. After payment of the fee authorized by law, the clerk shall index and record,
 943 in the same manner as the original mortgage instrument is recorded, the canceled and
 944 satisfied mortgage instrument or such portion thereof as bears the order of the mortgagee
 945 or transferee directing that the mortgage be canceled, together with any order of the
 946 mortgagee or transferee directing that the mortgage be canceled. The clerk shall show on

947 the index of the cancellation and on the cancellation document the deed book and page
 948 number where the original mortgage instrument is recorded. The clerk shall manually or
 949 through electronic means record across the face of the mortgage instrument the words
 950 'satisfied' and 'canceled' and the date of the entry and shall sign his or her name thereto
 951 officially. The clerk shall also manually or electronically make a notation on the record of
 952 the mortgage to indicate where the order of the cancellation is recorded."

953 **SECTION 1-38.**

954 Said title is further amended by revising Code Section 44-14-364, relating to the release of
 955 a lien upon filing of bond, as follows:

956 "44-14-364.

957 (a) When any person entitled under this part to claim a lien against any real estate located
 958 in this state files his or her lien in the office of the clerk of the superior court of the county
 959 in which the real estate is located, the owner of the real estate or the contractor employed
 960 to improve the property may, before or after foreclosure proceedings are instituted,
 961 discharge the lien ~~by filing a bond in the office of that clerk~~ upon the approval of a bond
 962 by the clerk of the superior court. The bond shall be conditioned to pay to the holder of the
 963 lien the sum that may be found to be due the holder upon the trial of any lien action that
 964 may be filed by the lienholder to recover the amount of his or her claim within 365 days
 965 from the time the claim of lien is filed. The bond shall be in double the amount claimed
 966 under that lien and shall be either a bond with good security approved by the clerk of the
 967 court or a cash bond, except in cases involving a lien against ~~residential property~~ the
 968 owner's domicile, in which event the bond shall be in the amount claimed under the lien.
 969 An owner or contractor may be required to provide supporting data to the clerk to prove
 970 the value of domiciled property when such property serves as a bond to discharge a lien
 971 provided for in this Code section. Upon the ~~filing~~ approval by the clerk of the bond
 972 provided for in this Code section, the real estate shall be discharged from the lien. For
 973 purposes of this subsection, the term 'domicile' means the established, fixed, permanent,
 974 or ordinary dwelling place of the owner.

975 (b) Within seven days of filing ~~such~~ the bond required by subsection (a) of this Code
 976 section and any attachments, the party filing ~~the~~ such bond shall send a notice of filing such
 977 bond and a copy of the bond by registered or certified mail or statutory overnight delivery
 978 to the lien claimant at the address stated on the lien or, if no such address is shown for the
 979 lien claimant, to the person shown as having filed such lien on behalf of the claimant at the
 980 indicated address of such person or, if the bond is filed by a contractor, to the owner of the
 981 property, provided that whenever the lien claimant or the owner is an entity on file with the
 982 Secretary of State's Corporations Division, sending the notice of filing such bond and a

983 copy of the bond to the company's address or the registered agent's address on file with the
 984 Secretary of State shall be deemed sufficient; provided, however, that the failure to send
 985 the notice of filing the bond and copy of the bond shall not invalidate the bond for purposes
 986 of discharge of a claim of lien under this Code section. With respect to property bonds, the
 987 clerk shall not accept any real property bond unless the real property is scheduled in an
 988 affidavit attached thereto setting forth a description of the property and indicating the
 989 record owner thereof, including any liens and encumbrances and amounts thereof, the
 990 market value, and the value of the sureties' interest therein, which affidavit shall be
 991 executed by the owner or owners of the interest; the bond and affidavit shall be recorded
 992 in the same manner and at the same cost as other deeds of real property. So long as the
 993 bond exists, it shall constitute a lien against the property described in the attached affidavit.
 994 ~~(b)~~(c) The clerk of the superior court shall have the right to rely upon the amount specified
 995 in the claim of lien in determining the sufficiency of any bond to discharge under this Code
 996 section. The failure to specify both the amount claimed due under the lien and the date said
 997 claim was due shall result in such lien not constituting notice for any purposes.
 998 (d) The clerk of the superior court shall be held harmless for good faith approval of any
 999 bond provided for in this Code section."

1000 SECTION 1-39.

1001 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing
 1002 and documents, is amended by revising subsection (c) of Code Section 50-18-70, relating to
 1003 inspection of public records, as follows:

1004 "(c) Any computerized index of a county real estate deed records shall be printed or made
 1005 available through electronic means for purposes of public inspection no less than every 30
 1006 days and any correction made on such index shall be made a part of the printout or made
 1007 available through electronic means and shall reflect the time and date that said index was
 1008 corrected."

1009 SECTION 1-40.

1010 Said chapter is further amended by revising division (a)(11.3)(B)(i) of Code Section
 1011 50-18-72, relating to when public disclosure is not required, as follows:

1012 "(i) The disclosure of information contained in the records or papers of any court or
 1013 derived therefrom including correspondence of judges and court clerks and without
 1014 limitation records maintained pursuant to Article 9 of Title 11 or Code Section
 1015 15-6-97;"

1016 **SECTION 1-41.**

1017 Said chapter is further amended by revising subsection (a) of Code Section 15-18-98, relating
1018 to title to records and access to records of constitutional officers, as follows:

1019 "(a) Title to any record transferred to the Georgia State Archives as authorized by this
1020 article shall be vested in the division. The division shall not destroy any record transferred
1021 to it by an agency without consulting with the proper official of the transferring agency
1022 prior to submitting a retention schedule requesting such destruction to the State Records
1023 Committee. Access to records of constitutional officers shall be at the discretion of the
1024 constitutional officer who created, received, or maintained the records, ~~but no limitation~~
1025 ~~on access to such records shall extend more than 25 years after creation of the records."~~

1026 **SECTION 1-42.**

1027 Said chapter is further amended by revising Code Section 50-18-120, relating to the authority
1028 for establishment of microform standards, as follows:

1029 "50-18-120.

1030 The authority for the establishment of microform standards shall be vested in the State
1031 Records Committee. All powers and duties of the State Records Committee as provided
1032 in Article 5 of this chapter shall be applicable to the establishment and maintenance of
1033 microform standards in this state. With respect to microform standards for the courts, the
1034 concurrence of ~~the Administrative Office of the Courts~~ The Council of Superior Court
1035 Clerks of Georgia and the Judicial Council of Georgia shall be required for the
1036 establishment of such standards."

1037 **PART II**

1038 **SECTION 2-1.**

1039 Code Section 1-3-1 of the Official Code of Georgia Annotated, relating to construction of
1040 statutes generally, is amended by revising division (d)(2)(A)(ii), as follows:

1041 "(ii) Code Sections 15-6-88 through ~~15-6-92~~ 15-6-91;"

1042 **SECTION 2-2.**

1043 Code Section 9-13-142 of the Official Code of Georgia Annotated, relating to requirements
1044 for official organ of publication, is amended by adding a new subsection to read as follows:

1045 "(f) An official organ of any county may be disqualified for serving as such for failure to
1046 comply with Code Section 15-6-74."

SECTION 2-3.

1047
 1048 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
 1049 subsection (c) of Code Section 15-1-10, relating to removal and storage of court records, as
 1050 follows:

1051 "(c) With the prior written consent of the governing authority of the county or municipality
 1052 and the prior written consent of the chief judge, judge of the probate court, or chief
 1053 magistrate of the affected court, the clerk of each superior court, state court, probate court,
 1054 magistrate court, juvenile court, or municipal court in this state is authorized, but not
 1055 required, to create and maintain digital copies of records, pleadings, orders, writs, process,
 1056 and other documents submitted to or issued by the court in criminal, quasi-criminal,
 1057 juvenile, or civil proceedings or in any proceedings involving the enforcement of
 1058 ordinances of local governments. All digital copies created pursuant to this subsection
 1059 shall be accurate copies of the original documents and shall be stored and indexed in such
 1060 manner as to be readily retrievable in the office of the clerk during normal business hours.
 1061 It shall be the duty of the clerk to provide and maintain software and computers, readers,
 1062 printers, and other necessary equipment in sufficient numbers to permit the retrieval,
 1063 duplication, and printing of such digitally stored documents in a timely fashion when
 1064 copies are requested. A copy of such digitally stored document retrieved by the clerk shall
 1065 be admissible in all courts in the same manner as the original document. If a backup copy
 1066 is created pursuant to the process prescribed by subsections (b); and (c); ~~and (d)~~ of Code
 1067 Section 15-6-62, the clerk is authorized to destroy the original document. This subsection
 1068 shall not apply to documents or records which have been ordered sealed by the court nor
 1069 to documents which are placed in evidence in a proceeding. The costs of creating and
 1070 storing digital copies of documents and providing the necessary software and equipment
 1071 to retrieve and reproduce such documents shall be paid from funds available for the
 1072 operation of the court. The provisions of this subsection shall constitute an additional and
 1073 alternative method of records management and shall not supersede or repeal Code Section
 1074 15-6-62, 15-6-62.1, 15-6-86, or 15-6-87."

SECTION 2-4.

1075
 1076 Said title is further amended by revising Code Section 15-6-57, relating to election to break
 1077 a tie, as follows:

1078 "15-6-57.

1079 Should any two or more candidates at an election to fill a vacancy in the office of the
 1080 superior court clerk, or at a regular election, have the highest and an equal number of votes,
 1081 the judge of the probate court shall set a date and advertise another election in the manner
 1082 prescribed in Code Section ~~15-6-56~~ 15-6-53 and shall do so until a choice is made."

SECTION 2-5.

1083
 1084 Said title is further amended by revising subsections (b), (c), and (d) of Code Section
 1085 15-6-90, relating to longevity increases, as follows:

1086 "(b) The minimum salaries provided for in Code Sections 15-6-88 and 15-6-89, this Code
 1087 section, and Code Sections Section 15-6-91 ~~and 15-6-92~~ shall be considered as salary only.
 1088 Expenses for deputy clerks, equipment, supplies, copying equipment, and other necessary
 1089 and reasonable expenses for the operation of a clerk's office shall come from funds other
 1090 than the funds specified as salary in such Code sections.

1091 (c) This Code section shall not be construed to affect any local legislation, except where
 1092 such local legislation provides for a salary lower than the salary provided in Code Sections
 1093 15-6-88 and 15-6-89, this Code section, and Code Sections Section 15-6-91 ~~and 15-6-92~~,
 1094 in which event such Code sections shall prevail.

1095 (d) Code Sections 15-6-88 and 15-6-89, this Code section, and Code Sections Section
 1096 15-6-91 ~~and 15-6-92~~ shall not be construed to reduce the salary of any clerk of the superior
 1097 court presently in office."

SECTION 2-6.

1098
 1099 Said title is further amended by revising Code Section 15-6-91, relating to the effect of salary
 1100 provisions on local legislation, as follows:

1101 "15-6-91.

1102 All local legislation in effect on April 1, 1973, or enacted subsequent to April 1, 1973, and
 1103 affecting compensation for clerks of the superior courts of the various counties shall be of
 1104 full force and effect except where such local legislation provides for a salary lower than the
 1105 salary provided in Code Sections 15-6-88 through 15-6-90; and this Code section, ~~and~~
 1106 ~~Code Section 15-6-92~~; in which event such Code sections shall prevail."

SECTION 2-7.

1107
 1108 Said title is further amended by revising subsection (b) of Code Section 15-16-8, relating to
 1109 filling the vacancy in the office of sheriff, as follows:

1110 "(b) ~~In case there is a failure~~ If the probate judge fails to appoint a qualified person to
 1111 discharge the duties of the sheriff until the vacancy is filled, ~~as set forth in Code Section~~
 1112 ~~15-6-54~~, the coroner of the county shall act as sheriff. If there is no coroner, the sheriff of
 1113 any adjoining county is authorized to act as sheriff until the probate judge of the probate
 1114 ~~court~~ makes the appointment or an election is held."

SECTION 2-8.

1115

1116 Said title is further amended by adding a new Code section to read as follows:

1117 "15-16-8.1.

1118 A sheriff may be removed from office by the judge of the court for any sufficient cause,
 1119 including incapacity or misbehavior in office. The charges shall be exhibited to the court
 1120 in writing, and the facts tried by a jury. The sheriff shall be entitled to a copy of the
 1121 charges three days before trial."

SECTION 2-9.

1122

1123 Said title is further amended by revising subsection (b) of Code Section 15-16-10, relating
 1124 to duties of the sheriff and electronic storage, as follows:

1125 "(b) If any sheriff or deputy fails to comply with any provision of subsection (a) of this
 1126 Code section, he or she shall be fined for a contempt as the clerk of the superior court is
 1127 fined in similar cases. Code Section ~~15-6-82~~ 15-16-8.1, as to removal, shall also apply to
 1128 sheriffs."

SECTION 2-10.

1129

1130 Said title is further amended by revising subsection (c) of Code Section 15-16-26, relating
 1131 to investigation of charges against the sheriff, as follows:

1132 "(c) If the committee recommends the suspension of the sheriff, the Governor shall be
 1133 authorized to suspend the sheriff for a period of up to 60 days. In any case where a sheriff
 1134 has been suspended for 60 days, the Governor may extend the period of suspension for an
 1135 additional 30 days. Upon such recommendation, the Governor shall also be authorized to
 1136 request the district attorney of the county of the sheriff's residence to bring a removal
 1137 petition against the sheriff pursuant to subsection (b) of Code Section 15-16-10 and Code
 1138 Section ~~15-6-82~~ 15-16-8.1 based upon the evidence reported by the committee. In the
 1139 event that the Governor determines that further investigation should be made, he or she
 1140 may then order additional investigation by the committee, by the Georgia Bureau of
 1141 Investigation, by other law enforcement agencies of this state, or by any special committee
 1142 appointed by the Governor for such purpose."

SECTION 2-11.

1143

1144 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
 1145 by revising paragraph (5) of subsection (c) of Code Section 42-1-12, relating to the State
 1146 Sexual Offender Registry, as follows:

1147 "(5) Keep all records of sexual offenders in a secure facility in accordance with Code
 1148 Sections 15-1-10, 15-6-62, and 15-6-62.1 until official proof of death of a registered

1149 sexual offender; thereafter, the records shall be destroyed ~~in accordance with Code~~
1150 ~~Sections 15-1-10, 15-6-62, and 15-6-62.1."~~

1151 **SECTION 2-12.**

1152 Said title is further amended by revising subsection (c) of Code Section 42-4-4, relating to
1153 duties of sheriff as to inmates and failure to comply, as follows:

1154 "(c) Any sheriff or deputy who fails to comply with this Code section shall be fined for
1155 contempt, as is the clerk of the superior court in similar cases. The sheriff or deputy shall
1156 also be subject to removal from office as prescribed in Code Section ~~15-6-82~~ 15-16-8.1."

1157 **PART III**

1158 **SECTION 3-1.**

1159 All laws and parts of laws in conflict with this Act are repealed.