

House Bill 756

By: Representatives Channell of the 116<sup>th</sup>, Kidd of the 141<sup>st</sup>, and Hudson of the 124<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to revise, modernize, and consolidate the provisions of local law relating  
2 to the State Court of Putnam County (formerly the County Court of Putnam County),  
3 approved April 4, 1997 (Ga. L. 1997, p. 3839), as amended, so as to provide that the local  
4 law provisions relating to the State Court of Putnam County shall be updated and  
5 consolidated; to provide for the furnishing of facilities for the court; to provide for terms of  
6 court; to provide for practice and procedure; to provide for the clerk of the court and for a  
7 court reporter; to provide for costs and for fines and bond amounts; to provide for the  
8 solicitor-general of the court; to provide for related matters; to provide an effective date; to  
9 repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act to revise, modernize, and consolidate the provisions of local law relating to the State  
13 Court of Putnam County (formerly the County Court of Putnam County), approved April 4,  
14 1997 (Ga. L. 1997, p. 3839), as amended, is amended as follows:

15 "SECTION 1.

16 There is established and continued the State Court of Putnam County, which shall have all  
17 powers and duties set out by general law and as provided in this Act.

18 **SECTION 2.**

19 There shall be a judge of the State Court of Putnam County, who shall be elected for a term  
20 of four years and who shall be elected every four years thereafter at succeeding general  
21 elections. Qualifying and primary elections preceding the general election shall be as  
22 required by law. The person elected in 1996, the year of a presidential election, shall  
23 remain the judge until January 1 of the year following the next year of a presidential  
24 election.

H. B. 756

## SECTION 3.

The judge of the State Court of Putnam County shall meet the qualifications as provided in Code Section 15-7-21 of the O.C.G.A. The judge of the State Court of Putnam County shall be a part-time judge. The governing authority of Putnam County shall furnish the judge of the State Court of Putnam County suitable facilities, office space, equipment, and supplies, including a copy of the Official Code of Georgia Annotated and annual supplements to the Code to keep it current, office equipment, computer equipment, and programs. The governing authority shall also provide for educational, travel, and secretarial expenses and such other personnel as may be considered necessary by the judge for the proper operation of the court. All of the expenditures authorized herein are declared to be an expense of the court and payable out of the county treasury as such. Such expenses may be paid directly or reimbursed to the court.

## SECTION 4.

The State Court of Putnam County shall have terms of court per year, which shall be held at the same times as designated for Putnam County Superior Court, in the county seat of Putnam County and such terms shall remain open for the transaction of business until the next succeeding term. If the date fixed for the convening of any term is a legal holiday, then that term shall begin on the next business day thereafter which is not a legal holiday. Said court shall at all times be open for the purpose of receiving pleas of guilty in criminal cases and passing sentence thereon and for the transaction of civil business before the court. Each term of said court shall have jury and nonjury calendars. All jury and nonjury court calendars shall be scheduled by the judge of said court, at his or her own discretion. When there are not sufficient contested jury cases, the judge of said court, in his or her own discretion, may omit the drawing of a jury for any term of said court.

## SECTION 5.

The jury for the State Court of Putnam County shall be drawn and selected as provided by law for the jury of Putnam County Superior Court. All laws with reference to the drawing and summoning of traverse jurors in Putnam County Superior Court shall apply to the State Court of Putnam County. If there should be any deficiency of jurors from cause or absence, the sheriff by direction of the court shall complete the jury by talesman sufficient to meet the needs of the court. Each juror shall receive the same compensation while serving as juror in said court as is paid in the superior court of said county, the same to be paid by Putnam County under the laws governing the payment of superior court jurors. All laws of force with reference to the qualifications, oaths, exemptions, and financing of jurors in the superior courts of this state shall, when not inconsistent with the provisions

of this Act, be observed in the State Court of Putnam County. The number of jurors impaneled in any civil action shall be the minimum number required by Code Section 15-12-122 of the O.C.G.A.

#### SECTION 6.

(a) Proceedings in criminal cases in the State Court of Putnam County shall be by accusation, citation, or referral of indictment by Putnam County Superior Court and trial shall conform to rules governing like proceedings in the superior court, except that the jury in said court shall consist of six jurors to be stricken alternately by the defendant and state from a panel of 12 as provided by law. The defendant and the state shall each have the right to challenge three jurors peremptorily. The defendant and the state shall exercise their challenges as provided in Code Section 15-12-165 of the O.C.G.A. The remaining six jurors shall constitute the jury.

(b) All prosecutions in criminal cases instituted in the State Court of Putnam County shall be by written accusation framed and signed by the prosecuting attorney of such court. The accusation need not be supported by an affidavit except in those cases where the defendant has not been previously arrested in conjunction with the transaction charged in the accusation and the accusation is to be used as the basis for the issuance of a warrant for the arrest of the defendant.

(c) Proceedings in criminal cases in said court after accusation shall conform to rules governing like proceedings except for the provisions for jurors set forth in this section.

(d) The clerk of the State Court of Putnam County is authorized to receive all criminal warrants, citations, and other papers for filing and delivery to the prosecuting attorney as provided by law.

#### SECTION 7.

The Uniform State Court Rules shall be applicable to proceedings in the State Court of Putnam County.

#### SECTION 8.

The State Court of Putnam County shall have jurisdiction within the territorial limits of Putnam County and concurrent with the jurisdiction of the superior courts. The court shall have jurisdiction over the matters set out in Code Section 15-7-4 of the O.C.G.A. The court shall also have concurrent jurisdiction with the Magistrate Court of Putnam County regarding violations of Putnam County ordinances.

## SECTION 9.

The clerk of the State Court of Putnam County shall be entitled to a minimum of two full-time employees who shall be assigned exclusively to perform state court duties.

## SECTION 10.

The judge of the State Court of Putnam County may appoint an official court reporter who shall report such cases as the court may require. The reporter shall receive the same fees as allowed for similar service in Putnam County Superior Court.

## SECTION 11.

Costs for all civil and criminal cases in the State Court of Putnam County shall be the same as costs that are employed in Putnam County Superior Court. The State Court of Putnam County shall establish its own fines and bond amounts not in conflict with law.

## SECTION 12.

From and after the passage of this Act, the clerk of the State Court of Putnam County shall disburse all amounts of costs, fines, and forfeitures collected by said court as prescribed by state law. Said clerk shall keep all records and reports required by the court.

## SECTION 13.

All cases in the State Court of Putnam County shall be subject to review by the Court of Appeals or the Supreme Court of Georgia in the same manner as judgments and orders of the superior courts are now received.

## SECTION 14.

There shall be a solicitor-general of the State Court of Putnam County, who shall be elected for a term of four years and who shall be elected every four years thereafter at succeeding general elections. The solicitor-general shall be governed by Article 3 of Chapter 18 of Title 15 of the O.C.G.A. Qualifying and primary elections preceding the general election shall be as required by law.

## SECTION 15.

The solicitor-general of the State Court of Putnam County shall meet the qualifications as provided in Code Section 15-18-62 of the O.C.G.A. The position of solicitor-general shall be a part-time position. The solicitor-general shall be entitled to one full-time employee. The governing authority of Putnam County shall furnish the solicitor-general of the State Court of Putnam County suitable facilities, office space, equipment, and supplies, including

a copy of the Official Code of Georgia Annotated and annual supplements to the Code to keep it current, office equipment, computer equipment, and programs. The governing authority shall also provide for educational, travel, and secretarial expenses and such other personnel as may be considered necessary by the solicitor-general for the proper operation of the court. All of the expenditures authorized herein are declared to be an expense of said solicitor-general and payable out of the county treasury as such. Such expenses may be paid directly or reimbursed to the office of the solicitor-general.

#### SECTION 16.

In the event that the judge of the State Court of Putnam County is unable to preside in court for any reason, is disqualified for any reason, or needs assistance for any reason then said judge may avail himself or herself of support as provided by Chapters 1 and 7 of Title 15 of the O.C.G.A. or may appoint a judge pro hac vice, who shall meet the same qualifications as the state court judge, to serve in his or her absence."

#### SECTION 2.

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

#### SECTION 3.

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