

The Senate Judiciary Committee offered the following substitute to SB 356:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the
2 number of superior court judges for each judicial circuit, so as to provide for an additional
3 judge of the courts of the Bell-Forsyth and Middle judicial circuits; to provide for the initial
4 appointment of such judges by the Governor; to provide for the election and terms of office
5 of such judges; to provide for the compensation, salary, and expense allowance of such
6 judges to be paid by the State of Georgia and the counties comprising the judicial circuits;
7 to provide for jurors; to authorize the judges of the circuits to divide and allocate the work
8 and duties thereof and provide for the duties of the chief judges and presiding judges; to
9 provide for powers, duties, and responsibilities of judges of said circuits; to provide for
10 additional court reporters and personnel and the compensation of such reporters and
11 personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws;
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 PART I
15 SECTION 1-1.

16 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
17 superior court judges for each judicial circuit, is amended by revising paragraphs (5.1) and
18 (24) as follows:

- 19 "(5.1) Bell-Forsyth Circuit 2 3"
- 20 "(24) Middle Circuit 2 3"

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PART II

SECTION 2-1.

A new judge of the superior court is added to the Bell-Forsyth Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 2-2.

The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall be appointed by the Governor for a term beginning January 1, 2013, and expiring December 31, 2014, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2014, for a term of four years beginning on January 1, 2015, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 2-3.

The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of said court may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 2-4.

The chief judge of the Bell-Forsyth Judicial Circuit shall be the judge who has the most experience as a sitting judge of a superior court in the State of Georgia. The three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall equally share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement between the judges as to the operation of the superior court, the majority shall rule, or failing a majority, the decision of the chief judge shall control.

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SECTION 2-5.

The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges. The additional judge's compensation, salary, and expense allowance from the State of Georgia and from Forsyth County shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by Forsyth County of the salary of the judges of the superior court of the Bell-Forsyth Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 2-6.

All writs, processes, orders, subpoenas, and any other official papers issuing out of the superior court of the Bell-Forsyth Judicial Circuit may bear teste in the name of any judge of said circuit and, when issued by and in the name of any of said judges of said circuit, shall be fully valid and may be held and determined before any judge of said circuit. All writs and processes in the superior court of the Bell-Forsyth Judicial Circuit shall be returnable to the terms of said superior court as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge.

SECTION 2-7.

The choosing of all jurors, whether grand or trial, may be by any of the judges of the superior court of said circuit; and any such judge of the superior court of said circuit shall have full power and authority to choose jurors for service in said court so as to have jurors for the trial of cases before each of said judges separately or before each of them at the same time.

SECTION 2-8.

The three judges of the superior court of the Bell-Forsyth Judicial Circuit shall be authorized to employ an additional court reporter for such duties and for such compensation as such judges see fit, up to and including, but not exceeding, the remuneration of the present court reporters of the Bell-Forsyth Judicial Circuit as the same is now fixed or may hereafter be fixed. The additional judge shall be authorized to employ other court personnel on the same basis as other judges of the Bell-Forsyth Judicial Circuit.

SECTION 2-9.

The governing authority of the county comprising the Bell-Forsyth Judicial Circuit is authorized to provide suitable courtrooms, jury rooms, and chambers for the judges of the superior court of the Bell-Forsyth Judicial Circuit upon the recommendation of said judges.

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PART III

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SECTION 3-1.

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A new judge of the superior court is added to the Middle Judicial Circuit, thereby increasing to three the number of judges of said circuit.

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SECTION 3-2.

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The additional judge of the superior court of the Middle Judicial Circuit shall be appointed by the Governor for a term beginning January 1, 2013, and expiring December 31, 2014, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2014, for a term of four years beginning on January 1, 2015, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

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SECTION 3-3.

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The additional judge of the superior court of the Middle Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of said court may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

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SECTION 3-4.

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The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges, and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties of such circuit shall be the same as that of the other judges of the superior court of the Middle Judicial Circuit.

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SECTION 3-5.

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All writs and processes in the superior court of the Middle Judicial Circuit shall be returnable to the terms of said superior court as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said court shall be held in the same manner as though there were but one judge.

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SECTION 3-6.

The three judges of the superior court of the Middle Judicial Circuit of Georgia in transacting the business of said court and in performing their duties and responsibilities shall share, divide, and allocate the work and duties to be performed by each. In the event of any disagreement between said judges as to the operation of the superior court, the decision of the senior judge in point of service, who shall be known as the chief judge, shall control. The judge with the longest period of time of service shall be the chief judge. The chief judge shall be vested with the power to make all appointments whenever the law provides for the superior court judge to make appointments. The three judges of the superior court of the Middle Judicial Circuit shall have full power, authority, and discretion to determine from time to time, and term to term, the manner of calling the dockets and fixing the calendars and the order of business in said court. They may assign the hearing of trials by jury for a term to one of said judges and the hearing of all other matters not requiring a trial by a jury to another judge, and they may alternate such order of business at the next term. They may conduct trials by jury at the same time in the same county or otherwise within said circuit, or they may all or any one of them hear chamber's business and motion business at the same time at any place within said circuit. They may provide in all respects for holding the superior court of said circuit so as to facilitate the hearing and determination of all the business of said court at any time pending and ready for trial or hearing. In all such matters relating to the manner of fixing, arranging for, and disposing of the business of said court, and making appointments as authorized by law where the judges cannot agree or differ, the opinion or order of the chief judge shall control.

SECTION 3-7.

All writs, processes, orders, subpoenas, and any other official papers issuing out of the superior court of the Middle Judicial Circuit may bear teste in the name of any judge of said Middle Judicial Circuit. When issued by and in the name of any judge of said circuit, they shall be fully valid and may be determined before any judge in the regular course of business of said court. Any judge of said court may preside over any cause therein and perform any official act as judge thereof.

SECTION 3-8.

The choosing of all jurors, whether grand or trial, may be by any of the judges of the superior court of the circuit; and any such judge shall have full power and authority to choose jurors for service in said court so as to have jurors for the trial of cases before each of said judges separately or before each of them at the same time.

148 **SECTION 3-9.**

149 The additional judge of the superior court of the Middle Judicial Circuit shall be authorized
150 and empowered to appoint an additional court reporter for such circuit, whose compensation
151 shall be as now or hereafter provided by law.

152 **SECTION 3-10.**

153 The governing authority of each county comprising the Middle Judicial Circuit is hereby
154 authorized to furnish the judges of the superior court of the Middle Judicial Circuit with
155 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
156 supplies, and such personnel as may be considered necessary to the proper functioning of the
157 court. All of the expenditures authorized by this Act are declared to be an expense of court
158 and payable out of each county treasury as such.

159 **PART IV**

160 **SECTION 4-1.**

161 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
162 responsibilities of superior court judges provided by the Constitution and statutes of the State
163 of Georgia.

164 **SECTION 4-2.**

165 (a) For purposes of making the initial appointments of the judges to fill the superior court
166 judgeships created by this Act, this Act shall become effective upon its approval by the
167 Governor or its becoming law without such approval.

168 (b) For all other purposes, this Act shall become effective on January 1, 2013.

169 **SECTION 4-3.**

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