

Senate Bill 356

By: Senators Murphy of the 27th, Cowsert of the 46th, Hamrick of the 30th, Mullis of the 53rd, Miller of the 49th and others

**AS PASSED SENATE**

**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"

21

**PART II**

22

**SECTION 2-1.**

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

25

**SECTION 2-2.**

26 The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall be  
27 appointed by the Governor for a term beginning January 1, 2013, and expiring December 31,  
28 2014, and until his or her successor is elected and qualified. His or her successor shall be  
29 elected in the manner provided by law for the election of judges of the superior courts of this  
30 state at the nonpartisan judicial election in 2014, for a term of four years beginning on  
31 January 1, 2015, and until his or her successor is elected and qualified. Future successors  
32 shall be elected at the nonpartisan judicial election each four years after such election for  
33 terms of four years and until their successors are elected and qualified. They shall take office  
34 on the first day of January following the date of the election.

35

**SECTION 2-3.**

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

41

**SECTION 2-4.**

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

51 **SECTION 2-5.**

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

59 **SECTION 2-6.**

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

68 **SECTION 2-7.**

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

73 **SECTION 2-8.**

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

80 **SECTION 2-9.**

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

84

**PART III**

85

**SECTION 3-1.**

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

88

**SECTION 3-2.**

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

98

**SECTION 3-3.**

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

104

**SECTION 3-4.**

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

109

**SECTION 3-5.**

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

114 **SECTION 3-6.**

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

136 **SECTION 3-7.**

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

143 **SECTION 3-8.**

144 The choosing of all jurors, whether grand or trial, may be by any of the judges of the superior  
145 court of the circuit; and any such judge shall have full power and authority to choose jurors  
146 for service in said court so as to have jurors for the trial of cases before each of said judges  
147 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.