

SENATE SUBSTITUTE TO HB 665:

**AS PASSED SENATE**

**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 repeal provisions relating to disposition of  
 16 books; to change provisions relating to recording property records; to change provisions  
 17 relating to the release of a lien upon the filing of a bond; to change provisions relating to  
 18 inspection of records; to change provisions relating to microform standards; to amend Code  
 19 Section 1-3-1, Title 15, and Title 42 of the Official Code of Georgia Annotated, relating to  
 20 construction of statutes generally, courts, and penal institutions, respectively, so as to  
 21 conform provisions and correct cross-references; to amend Chapter 12 of Title 15 of the  
 22 Official Code of Georgia Annotated, relating to juries, so as to clarify that certain persons  
 23 shall be ineligible to serve as trial or grand jurors; to provide for the use of jurors summoned  
 24 prior to the compilation of county master jury lists; to revise provisions relating to the  
 25 qualifications of grand jurors; to provide for related matters; to repeal conflicting laws; and  
 26 for other purposes.

27 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**PART I**

**SECTION 1-1.**

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

"9-11-29.1.

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

(1) Required by local rule of court;

(2) Ordered by the court;

(3) Requested by any party to the action;

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

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

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

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

64 as the microfilm and digital images meet the standards established by the Georgia  
 65 Department of Archives and History; provided, however, that the clerk of court shall not  
 66 be required to microfilm or digitally image depositions that are not used for evidentiary  
 67 purposes during the trial of the issues of the case in which such depositions were filed."

68 **SECTION 1-2.**

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

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

73 **SECTION 1-3.**

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

76 "15-6-51.

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

80 **SECTION 1-4.**

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

83 "15-6-53.

84 ~~(a) If there is an absence or if the clerk or his deputy for any reason does not act as clerk~~  
 85 ~~at the time provided by law for holding a term of the superior courts, the presiding judge~~  
 86 ~~thereof shall appoint a clerk who shall hold the office of clerk during the term and for ten~~  
 87 ~~days thereafter. Any act which the appointed clerk does during such time which the clerk~~  
 88 ~~could have done shall be valid. In any county in which a chief deputy clerk has been~~  
 89 ~~appointed pursuant to Code Section 15-6-59, the chief deputy clerk shall become the clerk~~  
 90 ~~of superior court if the clerk of superior court dies, resigns, is removed from office pursuant~~  
 91 ~~to the provisions of Code Section 45-2-1, or otherwise vacates office. The chief deputy~~  
 92 ~~clerk shall hold office for the unexpired term of his or her predecessor, provided that more~~  
 93 ~~than two years of the clerk's term of office have expired at the time the clerk vacates office.~~  
 94 ~~If more than two years of the clerk's term of office have not expired at the time the clerk~~  
 95 ~~vacates office, a special election shall be held, as provided in subsection (c) of Code~~  
 96 ~~Section 21-2-540, at least 120 days but no later than 365 days after the date the vacancy~~  
 97 ~~occurred. The person elected on such date shall hold office for the unexpired term of his~~

98 or her predecessor. The returns of the election shall be made to the Governor, who shall  
 99 immediately commission the person elected clerk.

100 (b)(1) In any county in which a chief deputy clerk has not been appointed pursuant to  
 101 Code Section 15-6-59, the probate judge shall immediately appoint a qualified person to  
 102 serve as the interim clerk of superior court when the clerk vacates office for any reason.  
 103 Such interim clerk shall serve in such capacity until the vacancy is filled pursuant to the  
 104 provisions of this subsection; provided, however, that the interim clerk shall not serve  
 105 more than one year. Any act done by the interim clerk during such period that the clerk  
 106 could have done shall be valid. If, by the expiration of the time specified, there is no one  
 107 else to act as clerk, the appointee mentioned in subsection (a) of this Code section may  
 108 continue as such until there is an appointment or election. Any appointee or other person  
 109 lawfully discharging the clerk's duties shall continue to do so until there is an election and  
 110 qualification.

111 (2) When a vacancy is filled pursuant to paragraph (1) of this Code section and it is more  
 112 than six months from the date when the clerk vacated office until the next general  
 113 election is held, the election superintendent for the county shall call a special election to  
 114 fill the vacancy, as provided in subsection (c) of Code Section 21-2-540, and such official  
 115 shall give notice in one or more of the public newspapers of the county, if any, at the  
 116 courthouse, and at three or more of the most public places of the county at least 30 days  
 117 prior to the date of election. Such special election shall be held at least 120 days but no  
 118 later than 365 days after the date the vacancy occurred. The person elected on such date  
 119 shall hold office for the unexpired term of his or her predecessor. The returns of the  
 120 election shall be made to the Governor, who shall immediately commission the person  
 121 elected clerk."

122 **SECTION 1-5.**

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

125 "15-6-54.

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

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

**SECTION 1-6.**

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

"15-6-55.

(a) If ~~from~~ as a result of any sudden emergency there is a vacancy in the office of clerk of superior court, and a proper person who meets the qualifications for a clerk of superior court as set forth in Code Section 15-6-50 cannot immediately ~~be appointed~~ fill the vacancy pursuant to Code Section 15-6-53, the judge of the probate court ~~or his clerk~~ shall act as clerk of the superior court for a period not to exceed 120 days. Any act done by the probate judge during such period that the clerk could have done shall be valid.

(b) If there is a temporary absence of the clerk of superior court for any reason not specified in Code Section 15-6-53 or if the clerk of superior court for any reason does not act as clerk at the time provided by law for holding a term of the superior courts and there is no chief deputy clerk to perform such duties, notwithstanding local law, the judges of the superior court of the judicial circuit by a majority vote shall appoint an interim deputy clerk who shall hold the office of clerk during the term of court and for ten days thereafter. If a majority of the judges do not agree to the selection of the interim deputy clerk, the chief judge of the superior court shall select the interim deputy clerk. Any act which the chief deputy clerk or the appointed clerk does during such time which the clerk could have done shall be valid."

**SECTION 1-7.**

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

"15-6-56.

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

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

~~(c) In any county in which the position of chief deputy clerk has been created by law or in which a chief deputy clerk has been appointed pursuant to Code Section 15-6-59, the chief deputy clerk shall succeed the clerk of the superior court if a vacancy occurs. The chief deputy clerk shall serve until January 1 following the next general election which is~~

169 ~~held more than 60 days after the date the vacancy occurs; provided, however, that in no~~  
 170 ~~event shall the chief deputy clerk serve past the date that the successor is qualified~~  
 171 ~~immediately upon the expiration of the term of office in which the vacancy was created.~~  
 172 ~~If a portion of the original term will remain unexpired after January 1, then a person to fill~~  
 173 ~~the vacancy for the remainder of the unexpired term shall be elected at such general~~  
 174 ~~election. In any such case, the other provisions of law for filling such a vacancy shall not~~  
 175 ~~apply. The provisions of this subsection shall only be applicable to the clerk of the superior~~  
 176 ~~court and shall not be applicable to other county officers Reserved."~~

177 **SECTION 1-8.**

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

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

183 I do swear or affirm that I will truly and faithfully enter and record all the orders,  
 184 decrees, judgments, and other proceedings of the Superior Court of the County of  
 185 \_\_\_\_\_, and all other matters and things which I am required by law ~~ought by me to~~  
 186 ~~be recorded~~ to record; and that I will faithfully and impartially discharge and perform all  
 187 the duties required of me, to the best of my understanding. So help me God."

188 **SECTION 1-9.**

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

191 "15-6-59.

192 (a) The ~~clerks~~ clerk of each of the superior courts, ~~except those appointed by a judge of~~  
 193 ~~the superior court and those becoming clerk by operation of law~~, shall execute bond in the  
 194 sum of ~~\$25,000.00~~ \$150,000.00, which amount may be increased in any county by local  
 195 Act or by an ordinance or resolution of the governing authority.

196 (b) The clerks of ~~the~~ superior courts shall have the power to appoint a deputy or deputies  
 197 and may, upon making such appointment, shall require from ~~him or them~~ such deputies a  
 198 bond with good security. The deputies shall take the same oaths as the clerks do before  
 199 entering upon the discharge of their duties. The oath shall be administered by the clerk of  
 200 superior court and recorded on the minutes of the superior court. ~~Their powers~~ Powers and  
 201 duties of deputy clerks shall be the same as those of the clerks, as long as their principals  
 202 continue in office and not longer, for faithful performance of which they and their

203 securities shall be bound. The clerks of ~~the~~ superior courts shall also have the authority to  
 204 appoint one of their deputies as chief deputy clerk ~~unless otherwise provided by local law."~~

205 **SECTION 1-10.**

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

209 "15-6-61.

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

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

213 (2) To attend to the needs of the court ~~in~~ through the performance of the duties of the  
 214 clerk required and enumerated by law, or as defined in court order, or rules;

215 (3) To issue and sign every summons, writ, execution, process, order, or other paper  
 216 under authority of the court and attach seals thereto when necessary. The clerk shall be  
 217 authorized to issue and sign under authority of the court any order to show cause in any  
 218 pending litigation and any other order in the nature of a rule nisi, where no injunctive or  
 219 extraordinary relief is granted;

220 (4) To keep in the clerk's office the following ~~dockets or books~~:

221 (A) An automated civil case management system which shall contain separate case  
 222 number entries for all civil actions filed in the office of the clerk, including complaints,  
 223 proceedings, Uniform Interstate Family Support Act actions, domestic relations,  
 224 contempt actions, motions and modifications on closed civil actions, and all other  
 225 actions civil in nature except adoptions;

226 (B) An automated criminal case management system which shall contain a summary  
 227 record of all criminal indictments in which true bills are rendered and all criminal  
 228 accusations filed in the office of ~~the~~ clerk of superior court. The criminal case  
 229 management system shall contain entries of other matters of a criminal nature filed with  
 230 the clerk, including quasi-civil proceedings and entries of cases which are ordered dead  
 231 docketed at the discretion of the presiding judge and which shall be called only at the  
 232 judge's pleasure. When a case is thus dead docketed, all witnesses who may have been  
 233 subpoenaed therein shall be released from further attendance until resubpoenaed; and

234 (C) A docket, file, series of files, book or series of books, microfilm records, or  
 235 electronic data base for recording all deeds, liens, executions, lis pendens, maps and  
 236 plats, and all other documents concerning or evidencing title to real or personal  
 237 property. When any other law of this state refers to a general execution docket, lis  
 238 pendens docket, or attachment docket, such other law shall be deemed to refer to the

- 239 docket or other record or records provided for in this subparagraph, regardless of the  
 240 format used to store such docket;
- 241 (5) To keep all the books, papers, dockets, and records belonging to the office with care  
 242 and security and to keep the papers filed, arranged, numbered, and labeled, so as to be of  
 243 easy reference;
- 244 (6) To keep at the clerk's office all publications of the laws of the United States furnished  
 245 by the state and all publications of the laws and journals of this state, all statute laws and  
 246 digests, this Code, which shall be paid for from county or law library funds, the Supreme  
 247 Court and Court of Appeals reports, and all other law books or other public documents  
 248 distributed to ~~him~~ the clerk, for the public's convenience; provided, however, that the  
 249 clerk may consent that these publications be maintained in the public law library;
- 250 (7) To procure a substantial seal of office with the name of the court and the county  
 251 inscribed thereon, ~~if this has not already been done;~~
- 252 (8) To make out and deliver to any applicant, upon payment to the clerk of legal fees, a  
 253 correct transcript, properly certified, of any minute, record, or file of the clerk's office  
 254 except for such records or documents which are, by provision of law, not to be released;
- 255 (9) Upon payment of legal fees to the clerk, to make out a transcript of the record of each  
 256 case to be considered by the Supreme Court or the Court of Appeals and a duplicate  
 257 thereof numbered in exact accordance with the numbering of the pages of the original  
 258 transcript of the record to be transmitted to the Supreme Court and the Court of Appeals;
- 259 (10) To make a notation on all conveyances ~~or~~ of real or personal property, including  
 260 liens, of the day date and time they were left to be recorded, which shall be evidence of  
 261 the facts stated. ~~Beginning July 1, 1998, all~~ All liens or conveyances ~~left to be filed shall~~  
 262 presented to the clerk for filing shall be on 8 1/2 inch by 11 inch or 8 1/2 inch by 14 inch  
 263 paper or the digital equivalent and shall have a three-inch margin at the top to allow space  
 264 for the clerk's notation required by this paragraph. If any lien or conveyance shall be  
 265 presented for filing without sufficient margin, the clerk shall attach a piece of paper  
 266 sufficient to give such margin at the top of the filing. Such notation ~~The clerk shall not~~  
 267 record any instrument or document conveying real or personal property, including liens,  
 268 that is not prepared as required by this paragraph. The notation required by this  
 269 paragraph may be made by the clerk or the clerk's deputy or employee by written  
 270 signature, facsimile signature, ~~or~~ mechanical printing, or electronic signature or stamp;
- 271 (11) To attest deeds and other written instruments for registration;
- 272 (12) To administer all oaths required by the court or that may otherwise be required by  
 273 law and to record all oaths required by law;
- 274 (13) To transmit to the Georgia Superior Court Clerks' Cooperative Authority or its  
 275 designated agent within 24 hours of filing of any financing statement, amendment to a



276 financing statement, assignment of a financing statement, continuation statement,  
277 termination statement, or release of collateral, by facsimile or other electronic means,  
278 such information and in such form and manner as may be required by the Georgia  
279 Superior Court Clerks' Cooperative Authority, for the purpose of including such  
280 information in the central indexing system administered by such authority; provided,  
281 however, that weekends and holidays shall not be included in the calculation of the 24  
282 hour period;

283 (14) To remit to the Georgia Superior Court Clerks' Cooperative Authority a portion of  
284 all fees collected with respect to the filings of financing statements, amendments to  
285 financing statements, assignments of financing statements, continuation statements,  
286 termination statements, releases of collateral, or any other documents related to personal  
287 property and included in the central index, in accordance with the rules and regulations  
288 of such authority regarding the amount and payment of such fees; provided, however, that  
289 such fees shall be remitted to the authority not later than the tenth day of the month  
290 following the collection of such fees, and the clerk shall not be required to remit such fees  
291 more often than once a week;

292 (15) To participate in the state-wide uniform automated information system for real and  
293 personal property records, as provided for by Code Sections 15-6-97 and 15-6-98, and  
294 any network established by the Georgia Superior Court Clerks' Cooperative Authority  
295 relating to the transmission and retrieval of electronic information concerning real estate  
296 and personal property data for any such information systems established by such  
297 authority so as to provide for public access to real estate and personal property  
298 information, including liens filed pursuant to Code Section 44-2-2 and maps and plats.  
299 Each clerk of ~~the~~ superior court shall provide to the authority or its designated agent in  
300 accordance with the rules and regulations of the authority such real estate information  
301 concerning or evidencing title to real property and such personal property information or  
302 access to such information which is of record in the office of clerk of ~~the~~ superior court  
303 and which is necessary to establish and maintain the information system, including  
304 information filed pursuant to Code Section 44-2-2 and maps and plats. Each clerk of ~~the~~  
305 superior court shall provide and transmit real estate and personal property information  
306 filed in the office of ~~the~~ clerk of superior court, including information required by Code  
307 Section 44-2-2 and maps and plats, to the authority for testing and operation of the  
308 information system at such times and in such form as prescribed by the authority;

309 ~~(15.1)~~(16) To participate in any network established by the Georgia Superior Court  
310 Clerks' Cooperative Authority relating to the transmission and retrieval of electronic  
311 information concerning carbon sequestration results and related transactions for any such  
312 information systems established by such authority for purposes of the carbon

313 sequestration registry established pursuant to Article 5 of Chapter 6 of Title 12, so as to  
 314 provide for public access to carbon sequestration registry information. Each clerk of ~~the~~  
 315 superior court shall provide to the authority or its designated agent in accordance with the  
 316 rules and regulations of the authority such information evidencing carbon sequestration  
 317 results and related transactions and access to such information which is of record in the  
 318 office of clerk of ~~the~~ superior court and which is necessary for purposes of the carbon  
 319 sequestration registry. Each clerk of ~~the~~ superior court shall provide and transmit carbon  
 320 sequestration results and related transaction information filed in the office of ~~the~~ clerk of  
 321 superior court to the authority for testing and operation of the electronic information  
 322 system for the carbon sequestration registry at such times and in such form as prescribed  
 323 by the authority. Each clerk shall charge and collect such fees as may be established by  
 324 the Georgia Superior Courts Clerks' Cooperative Authority, which shall be paid into the  
 325 county treasury less and except any sums as are otherwise directed to be paid to the  
 326 authority, all in accordance with rules and regulations adopted by the authority pursuant  
 327 to Code Section 15-6-97.2;

328 ~~(16)~~(17) To file and transmit all civil case filing and disposition forms required to be  
 329 filed pursuant to subsection (b) of Code Section 9-11-3 and subsection (b) of Code  
 330 Section 9-11-58;

331 ~~(17)~~(18)(A) To transmit to the Superior Court Clerks' Cooperative Authority within 30  
 332 days of filing the civil case filing and disposition forms prescribed in Code Section  
 333 9-11-133.

334 (B) To electronically collect and transmit to the Georgia Superior Court Clerks'  
 335 Cooperative Authority all data elements required in subsection (g) of Code Section  
 336 35-3-36 in a form and format required by the Superior Court Clerks' Cooperative  
 337 Authority and The Council of Superior Court Clerks of Georgia. ~~The electronic~~  
 338 ~~collection and transmission of data shall begin no later than January 1, 2002.~~ The data  
 339 transmitted to the authority pursuant to this Code section shall be transmitted to the  
 340 Georgia Crime Information Center in satisfaction of the clerk's duties under subsection  
 341 (g) of Code Section 35-3-36 and to the Georgia Courts Automation Commission ~~who~~  
 342 which shall provide the data to the Administrative Office of the Courts for use of the  
 343 state judicial branch. Public access to said data shall remain the responsibility of the  
 344 Georgia Crime Information Center. No release of collected data shall be made by or  
 345 through the authority;

346 ~~(18)~~(19) To participate in agreements, contracts, and networks necessary or convenient  
 347 for the performance of ~~the~~ duties ~~provided in paragraphs (16) and (17) of this subsection~~  
 348 required by law;

349 ~~(19)(20)~~ To perform such other duties as are or may be required by law or as necessarily  
 350 appertain to the office of clerk of the superior court; and

351 ~~(20)(21)~~ To keep an automated, computer based jury management system that facilitates  
 352 the maintenance of the county master jury list pursuant to the provisions of Chapter 12  
 353 of this title unless this duty is delegated to a jury clerk as provided in subsection (a) of  
 354 Code Section 15-12-11 or subsection (b) of Code Section 15-12-23.

355 (b) Nothing in this Code section shall restrict or otherwise prohibit a clerk from electing  
 356 to store for computer retrieval any or all records, dockets, indices, or files; nor shall a clerk  
 357 be prohibited from combining or consolidating any books, dockets, files, or indices in  
 358 connection with the filing for record of papers of the kind specified in this Code section or  
 359 any other law, provided that any automated or computerized record-keeping method or  
 360 system shall provide for the systematic and safe preservation and retrieval of all books,  
 361 dockets, records, or indices. When the clerk of superior court elects to store for computer  
 362 retrieval any or all records, the same data elements used in a manual system shall be used,  
 363 and the same integrity and security maintained. Regardless of the automated or  
 364 computerized system elected, each clerk shall maintain and make readily available to the  
 365 public ~~complete, printed copies of the~~ real estate grantor and grantee indices, which shall  
 366 be updated regularly; and prepared in compliance with paragraph (15) of subsection (a) of  
 367 this Code section and Code Section 15-6-66. A clerk of superior court shall be deemed to  
 368 satisfy the provisions of subsection (c) of Code Section 50-18-70 when on-site, electronic  
 369 access to computerized indices of county records is provided to the public during regular  
 370 business hours and in compliance with this Code section."

371 **SECTION 1-11.**

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

374 "15-6-62.

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

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

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

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

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

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

400 ~~(e) Any clerk who fails to discharge the duties set forth in this Code section is subject to~~  
 401 ~~be fined by the presiding judge, on his own motion, for a contempt whenever the judge~~  
 402 ~~discovers that the clerk has failed to discharge his duties. It shall be the duty of the judges~~  
 403 ~~of the several superior courts to give this law specially in charge to the grand juries and to~~  
 404 ~~require them to inform the court whether or not the clerk has performed the duties specified~~  
 405 ~~as aforesaid. However, clerks shall not be punished for contempt under this Code section~~  
 406 ~~until after the paper or papers required to be recorded have been filed for three months.~~

407 ~~(f)~~(d) This Code section shall not apply to cases dismissed and settled before the record  
 408 is made."

409 **SECTION 1-12.**

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

412 "(a) The clerk of ~~the~~ superior court shall provide at the expense of each county a suitable  
 413 duplex index book, or a series of books, or a card index, or a microfilm record, ~~or an~~  
 414 electronic data base, or an electronic, computer-based document management system, or  
 415 any combination of one or more of such systems, in which shall be indexed the name of the  
 416 grantor and grantee of every instrument recorded pursuant to subparagraph (a)(4)(C) of  
 417 Code Section 15-6-61, ~~such index to.~~ Such index shall include the character of the  
 418 instrument, the book or location of the record, and the date of filing ~~and to include the time~~  
 419 ~~of filing if not otherwise reflected in the record.~~

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

424 **SECTION 1-13.**

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

427 "15-6-67.

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

430 (b) Maps or plats to be filed and recorded in the office of ~~the~~ clerk of ~~the~~ superior court  
 431 shall be prepared in accordance with the ~~following~~ minimum standards and specifications  
 432 adopted in the rules and regulations of the State Board of Registration for Professional  
 433 Engineers and Land Surveyors:

434 (1) **Material.**

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

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

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

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

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

447 ~~(C) In counties using microfilming procedures, when a map or plat is filed for record~~  
 448 ~~the original drawing, which shall not be larger than 24 inches by 36 inches, shall be~~  
 449 ~~submitted to the clerk for microfilming and a legible copy, which shall not be larger~~  
 450 ~~than 17 inches by 22 inches, shall be filed for record; provided, however, that a full-size~~  
 451 ~~positive copy of the original may be tendered and used for microfilming. The clerk~~  
 452 shall enter manually or electronically the filing date, plat book number, and page  
 453 number on the original drawing plats and shall cause the same information to be entered  
 454 electronically on the digital copy presented for filing and shall return the an original  
 455 drawing physical copy of the plat with the filing information on it to the land surveyor

456 or the person filing the same for record. The clerk shall permanently retain the original  
 457 physical and digital copy of the plat. Both the filing information and plat shall serve  
 458 as evidence of the original drawing. The physical copy, the digital copy, or both may  
 459 be displayed to the public in compliance with Code Section 15-6-68;

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

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

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

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

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

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

475 (3) **Size.** Maps or plats shall not be less than 8 1/2 inches by 11 inches and not larger  
 476 than ~~can be recorded without folding;~~ 24 inches by 36 inches, provided that the clerk shall  
 477 be authorized to file maps or plats in compliance with this subparagraph. When an  
 478 original map or plat is submitted to the clerk for filing and recordation, the clerk shall be  
 479 authorized to accept the plat for recordation only upon receiving a minimum of two  
 480 properly signed reproductions of the original physical plat and a digital copy that has  
 481 been created at full scale, properly signed and in an electronic format acceptable by the  
 482 Georgia Superior Court Clerks' Cooperative Authority. The digital copy shall be  
 483 submitted via media approved by the clerk.

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

487 (A) ~~All maps or plats shall show the direction and distance from a point of reference~~  
 488 ~~to a point on the boundary of the individual survey, and such additional data as may be~~  
 489 ~~required to relocate the boundary point from the point of reference with the same~~  
 490 ~~degree of accuracy required of the parcel surveyed. The point of reference shall be an~~  
 491 ~~established, monumented position which can be identified or relocated from maps,~~  
 492 ~~plats, or other documents on public record;~~

- 493 ~~(B) All maps or plats of boundary surveys or subdivision surveys shall show bearings~~  
494 ~~of all lines of the boundary or lot lines, and distances of all boundary or lot lines, and~~  
495 ~~area of the parcels expressed in acres or square feet;~~
- 496 ~~(C) All maps or plats of boundary surveys shall show the closure precision of the field~~  
497 ~~survey as the ratio of one foot to the traversed distance in which an error of one foot~~  
498 ~~would occur and a statement as to the method of adjustment. The closure may be stated~~  
499 ~~as follows:~~
- 500 ~~'The field data upon which this map or plat is based has a closure precision of one foot~~  
501 ~~in \_\_\_\_\_ feet, and an angular error of \_\_\_\_\_ per angle point, and was adjusted~~  
502 ~~using \_\_\_\_\_ rule';~~
- 503 ~~(D) All maps or plats of boundary surveys shall show the closure precision of the data~~  
504 ~~shown on the map or plat. The closure may be stated as follows:~~
- 505 ~~'This map or plat has been calculated for closure and is found to be accurate within~~  
506 ~~one foot in \_\_\_\_\_ feet';~~
- 507 ~~(E) All maps or plats shall show the width and the former widths, if pertinent, of all~~  
508 ~~rights of way adjacent to or crossing the property or adjacent to any point of reference;~~
- 509 ~~(F) All maps or plats shall show easements and apparent encroachments, if pertinent;~~
- 510 ~~(G) In the case of curved lines, the curve shall be defined by curve data to include the~~  
511 ~~radius, arc length, chord bearing, and distance for regular curves. Chord distances and~~  
512 ~~directions shall be given for irregular curves;~~
- 513 ~~(H) All land lot lines, land district lines, land section lines, and city, county, and state~~  
514 ~~boundaries intersecting or adjacent to the surveyed property shall be indicated by lines~~  
515 ~~drawn upon the map or plat with appropriate words and figures;~~
- 516 ~~(I) All corner markers and markers of pertinent reference points shall be fully~~  
517 ~~described and indicated as to their material or types and shall be constructed of a~~  
518 ~~permanent material such as iron, steel, concrete, or stone;~~
- 519 ~~(J) An arrow shall be shown on the map or plat to indicate the principal meridian, and~~  
520 ~~a notation shall be made as to the reference of bearings to magnetic north, astronomic~~  
521 ~~north, or grid north. A grid north reference shall indicate the zone;~~
- 522 ~~(K) All linear distances shown on maps or plats shall be horizontal;~~
- 523 ~~(L) All angular directions shown on maps or plats shall be represented in degrees and~~  
524 ~~minutes. Where plats state or surveys require accuracy in excess of 1 in 5,000, the~~  
525 ~~angular directions shall be represented in degrees, minutes, and seconds. All angular~~  
526 ~~directions shall be referenced to the principal meridian;~~
- 527 ~~(M) A statement shall be shown on the map or plat to indicate the type of equipment~~  
528 ~~used to obtain the linear and angular measurements used in the preparation of the map~~  
529 ~~or plat; and~~

530 ~~(N) All maps or plats shall show the state plane coordinates of at least two permanent~~  
 531 ~~monuments thereon, when a National Geodetic Survey monument is within 500 feet of~~  
 532 ~~any point on the property mapped or platted, or any point of reference shown thereon.~~

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

537 (d) Whenever the municipal planning commission, the county planning commission, the  
 538 municipal-county planning commission, or, if no such planning commission exists, the  
 539 appropriate municipal or county governing authority prepares and adopts subdivision  
 540 regulations, and upon receiving approval thereon by the appropriate governing authority,  
 541 then no plat of subdivision of land within the municipality or the county shall be filed or  
 542 recorded in the office of ~~the~~ clerk of ~~the~~ superior court of a county without the approval  
 543 thereon of the municipal or county planning commission or governing authority and  
 544 without such approval having been entered in writing on the plat by the secretary or other  
 545 designated person of the municipal or county planning commission or governing authority.  
 546 The clerk of ~~the~~ superior court shall not file or record a plat of subdivision which does not  
 547 have the approval of the municipal or county planning commission or governing authority  
 548 as required by this subsection. Notwithstanding any other provision of this subsection to  
 549 the contrary, no approval of the municipal or county planning commission or governing  
 550 authority shall be required if no new streets or roads are created or no new utility  
 551 improvements are required or no new sanitary sewer or approval of a septic tank is  
 552 required. Any plat of survey containing thereon a certification from ~~the~~ a licensed surveyor  
 553 that the provisions relative to this subsection do not require approval of the municipal or  
 554 county planning commission or governing authority shall entitle said plat to record. Any  
 555 licensed surveyor who fraudulently certifies that a plat of survey does not require the  
 556 approval specified in this subsection shall be guilty of a misdemeanor."

557 **SECTION 1-14.**

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

560 "15-6-68.

561 (a) The clerk of each superior court shall provide ~~appropriate binders, not less than 18~~  
 562 ~~inches by 24 inches in size, in which the maps or plats or prints thereof referred to in Code~~  
 563 ~~Section 15-6-67 shall be placed without the necessity of folding in any manner. One of the~~  
 564 ~~binders and the prints therein contained shall be open to the general public for inspection,~~  
 565 ~~as are all other public records in the clerk's office. Alternatively, in those counties using~~



566 ~~microfilm procedures, the clerk thereof shall take such steps as are necessary to provide~~  
 567 ~~access to the same information~~ books, binders, or any other alternative system, either  
 568 manual or electronic, for providing public access to maps and plats. For all electronic  
 569 images of plats submitted to the clerk on or after July 1, 2012, the clerk shall provide  
 570 necessary equipment for printing either an entire full-size copy of each recorded plat or  
 571 copies of sections of each entire recorded plat, printed in full scale.

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

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

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

585 **SECTION 1-15.**

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

588 "15-6-73.

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

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

598 **SECTION 1-16.**

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

601 "15-6-74.

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

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

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

622 (d) Upon the request of a clerk of superior court, any journal or newspaper declared, made,  
623 or maintained as the official organ of any county for the publication of sheriff's sales,  
624 citations of probate court judges, or any other advertising commonly known in terms of  
625 'official or legal advertising' shall provide to the clerk of superior court copies of such  
626 journal or newspaper containing legal advertisements, in digital format, as required by the  
627 clerk, when the clerk shall be required to comply with provisions of subsection (a) or (b)  
628 of this Code section. The copies shall be provided to the clerk, the judge of the probate  
629 court, and the sheriff by January 31 of the year following the year in which the newspaper  
630 served as the official legal organ of the county. The ability of a journal or newspaper to  
631 provide copies digitally or electronically may be a qualification by the clerk of superior  
632 court, the probate judge, and the sheriff in designating a journal or newspaper as the official  
633 legal organ of the county."

634 **SECTION 1-17.**

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

637 "15-6-79.

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

643 **SECTION 1-18.**

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

646 "15-6-80.

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

653 **SECTION 1-19.**

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

656 "15-6-82.

657 ~~A clerk of the superior court is subject to be removed from office by the judge of the court~~  
 658 ~~for any sufficient cause, including incapacity or misbehavior in office. The charges must~~  
 659 ~~be exhibited to the court in writing, and the facts tried by a jury. The clerk shall be entitled~~  
 660 ~~to a copy of the charges three days before trial.~~

661 (a) Whenever the Governor determines that an investigation of a clerk of superior court  
 662 of this state should be made as a result of criminal charges, alleged misconduct in office,  
 663 or alleged incapacity of the clerk of superior court to perform the functions of his or her  
 664 office, the Governor shall appoint an investigative committee consisting of two clerks of  
 665 superior court who are members of The Council of Superior Court Clerks of Georgia and  
 666 the Attorney General to conduct an investigation. Such clerks of superior court may be  
 667 from any two counties in the state other than the county of the clerk of superior court under  
 668 investigation. The members of any such committee shall receive no compensation for their  
 669 services but shall be reimbursed for any expenses incurred in connection with an  
 670 investigation. The funds necessary to conduct an investigation shall come from the funds  
 671 appropriated to the executive branch of the state government.

672 (b) Any member of the committee shall be authorized to administer oaths to any witness  
 673 before the committee. The committee shall make a report of its investigation to the  
 674 Governor within 30 days from the date of the appointment of both clerk members by the  
 675 Governor.

676 (c) If the committee recommends the suspension of the clerk of superior court, the  
 677 Governor shall be authorized to suspend the clerk of superior court for a period of up to 60  
 678 days. In any case where a clerk of superior court has been suspended for 60 days, the  
 679 Governor may extend the period of suspension for an additional 30 days. Upon such  
 680 recommendation, the Governor shall also be authorized to request the district attorney of  
 681 the county of the clerk's residence to bring a removal petition against the clerk in superior  
 682 court based upon the evidence reported by the committee. After the filing of such petition,  
 683 a clerk of superior court is subject to being removed from office by the judge of the court  
 684 for any sufficient cause, including incapacity or misbehavior in office. The charges must  
 685 be exhibited to the court in writing, and the facts tried by a jury. The clerk shall be entitled  
 686 to a copy of the charges three days before trial. In the event that the Governor determines  
 687 that further investigation should be made, the Governor may then order additional  
 688 investigation by the committee, the Georgia Bureau of Investigation, other law enforcement  
 689 agencies of this state, or any special committee appointed by the Governor for such  
 690 purpose. During any period of suspension, the clerk shall continue to hold office; however,  
 691 the chief deputy clerk shall perform the duties of the clerk of superior court or, in the  
 692 absence of a chief deputy clerk, an interim clerk shall be appointed as provided in  
 693 paragraph (1) of subsection (b) of Code Section 15-6-53 to perform the duties of the clerk  
 694 during the period of suspension.

695 (d) If the clerk of superior court is indicted for a felony, the provisions of Code Section  
 696 45-5-6 shall apply."

697 **SECTION 1-20.**

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

701 "15-6-86.

702 (a) In the event that the space at the courthouse is inadequate for the clerk's office and the  
 703 things belonging thereto, the clerk, in writing, may request the governing authority of the  
 704 county to move his or her office to some other designated place in the county. In his or her  
 705 request, the clerk shall state the inadequacy which exists. The governing authority is shall  
 706 be authorized to comply with the request and may but may only designate another place  
 707 as the office of the clerk with the approval of the clerk. Such place must be owned by the

708 county or a body politic and shall not be more than 500 feet from the courthouse at their  
 709 nearest points. ~~The judge~~ Notwithstanding local law, the judges of the superior court of  
 710 the judicial circuit in which the county is located or the chief judge in those circuits having  
 711 ~~more than one judge~~ by a majority vote must give written consent before the clerk shall be  
 712 authorized to move his or her office to such place; provided, however, that failing a  
 713 majority agreement the chief judge of the judicial circuit shall make such determination.

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

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

726 (2) Provide by contract for:

727 (A) Specific retrieval times in which documents requested shall be delivered; and

728 (B) Payment of additional fees by the person requesting the document from the clerk  
 729 for expedited service.

730 (c)~~(1)~~ ~~Subject to the requirements of paragraph (2) of this subsection, in~~ In a county where  
 731 the county site is located in an unincorporated area of the county and the county governing  
 732 authority has constructed one or more permanent satellite courthouses within the county  
 733 and has further designated each such structure as a courthouse annex or has otherwise  
 734 established each such structure as an additional courthouse to the courthouse located at the  
 735 county site, the clerk of superior court shall be authorized to maintain his or her offices and  
 736 all things belonging thereto including the permanent records at one of the additional  
 737 courthouse locations or at the courthouse at the county site. The clerk of superior court  
 738 may, but ~~is~~ shall not be required to, maintain a satellite office at an additional courthouse  
 739 which is not the location of the clerk of superior court's main office where the permanent  
 740 records are kept. No one may for any purpose remove records of the clerk of superior court  
 741 from the courthouse or the clerk's satellite office without the written consent of the clerk;  
 742 provided, however, that a judge or the judge's designee may check out a record or file for  
 743 a case assigned to such judge upon providing a written receipt for such record or file to the  
 744 clerk.

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

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

753 **SECTION 1-21.**

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

756 "15-6-87.

757 ~~(a) The clerk of the superior court of any county of this state may install and use~~  
 758 ~~photostatic or other photographic equipment, including microfilm photographic equipment,~~  
 759 ~~and electronic or computer equipment for use in the filing, docketing, recording, copying,~~  
 760 ~~binding, indexing, certification, and furnishing of copies, including certified copies, of any~~  
 761 ~~and all instruments, records, and proceedings or parts of the same of record or on file in the~~  
 762 ~~clerk's office, with the consent and permission only of the county governing authority. The~~  
 763 ~~equipment and supplies for the same may be provided by the proper and respective county~~  
 764 ~~authorities out of county funds. The county governing authority shall supply all fixtures,~~  
 765 ~~supplies, and equipment necessary for the proper functioning of the office of clerk of~~  
 766 ~~superior court.~~

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

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

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

778

**SECTION 1-22.**

779

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

780

781

~~"15-6-87.1.~~

782

~~Provided that the General Assembly appropriates the necessary funds for the establishment~~

783

~~and operation of a state-wide county computerized information network, each clerk of a~~

784

~~superior court shall participate in the network so as to provide local public access to any~~

785

~~information which is filed with the Secretary of State pursuant to Title 14 and which is~~

786

~~available through such a computerized information network. The network may be~~

787

~~developed to provide each clerk of a superior court with additional public information.~~

788

~~Each clerk of a superior court shall be authorized, but not required, to charge and collect~~

789

~~a fee of not more than \$2.00 for the first page and 50¢ per page for each additional page~~

790

~~to recover the cost of providing a printed copy of any information which is available~~

791

~~through the computerized information network."~~

792

**SECTION 1-23.**

793

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

794

795

~~"15-6-88.1.~~

796

~~In any county in which more than 70 percent of the population of the county according to~~

797

~~the United States decennial census of 1980 or any future such census resides on property~~

798

~~of the United States government which is exempt from taxation by this state, the population~~

799

~~of the county for purposes of Code Section 15-6-88 shall be deemed to be the total~~

800

~~population of the county minus the population of the county which resides on property of~~

801

~~the United States government. Reserved."~~

802

**SECTION 1-24.**

803

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

804

805

~~"15-6-89.~~

806

~~In addition to the minimum salary provided in Code Section 15-6-88 or any other salary~~

807

~~provided by any applicable general or local law, each clerk of the superior court of any~~

808

~~county who also serves as clerk of a state court, city court classified as a municipal court~~

809

~~but funded through appropriations of the county governing authority, juvenile court, or~~

810

~~civil court under any applicable general or local law of this state or who performs duties~~

811

~~pursuant to paragraph (1) of subsection (a) of Code Section 15-12-1.1 shall receive for his~~

812

~~or her services in such other court a salary of not less than \$323.59 per month, to be paid~~

813 from the funds of the county. In the event any such court for which a clerk of ~~the~~ superior  
 814 court is serving as clerk is abolished, the clerk of ~~the~~ superior court shall not be entitled to  
 815 any salary heretofore received for service in such court."

816 **SECTION 1-25.**

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

819 "15-6-92.

820 ~~Code Sections 15-6-88 through 15-6-91 and this Code section shall not be construed so as~~  
 821 ~~to place any clerk of the superior court who is on the fee system of compensation on April~~  
 822 ~~1, 1973, on a salary system of compensation. Any clerk who is compensated under the fee~~  
 823 ~~system of compensation on April 1, 1973, shall continue to receive compensation under the~~  
 824 ~~fee system of compensation until local legislation is enacted by the General Assembly~~  
 825 ~~placing such clerk on an annual salary equal to or greater than the minimum annual salary~~  
 826 ~~provided for in Code Sections 15-6-88 through 15-6-91 and this Code section. Reserved."~~

827 **SECTION 1-26.**

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

830 "15-6-93.

831 (a) Except as provided in this Code section, the office of each clerk of ~~the~~ superior court  
 832 shall be open to conduct business Monday through Friday from at least 9:00 A.M. until  
 833 5:00 P.M. and shall not close for any period of time during such hours.

834 (b) Any office of a clerk of a superior court which is open for operation on Saturday may  
 835 close on one day Monday through Friday for a period of time equal to that period of time  
 836 during which the office is open on Saturday. Nothing in this Code section shall be  
 837 construed as requiring any office of a clerk of a superior court to be open on any public ~~and~~  
 838 holiday, legal holiday or, day of rest which, or other similar time that is recognized and  
 839 designated as such by Georgia law or by the governing authority of the county.

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

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



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

851 (f) When it is necessary for the clerk of superior court to conduct necessary training of  
 852 employees, the clerk may close his or her office for up to eight hours during any six-month  
 853 period, provided that he or she gives at least ten days' notice to the public, or sooner with  
 854 the approval of the chief judge of the superior court, prior to such closing, and provided,  
 855 further, that there are no proceedings scheduled in superior court during the time of the  
 856 closing. Proceedings shall include all civil or criminal hearings or trials, whether or not a  
 857 jury is required.

858 (g) When the clerk's office is closed for training purposes, the period of closure shall be  
 859 deemed a legal holiday for such office and, therefore, all deadlines provided for by law for  
 860 filing in the clerk's office any pleading, process, summons answer, or other document shall  
 861 be extended to the next regular business day of the clerk's office. 'Business day' means a  
 862 day on which the clerk's office is open for business and shall not include any Saturday,  
 863 Sunday, or legal holiday officially observed by the office as provided in this Code section."

864 **SECTION 1-27.**

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

866 "15-6-100.

867 No agreement by a clerk to acquire services, supplies, or equipment authorized by this  
 868 article that requires expenditure of county funds may be entered into unless the funds to be  
 869 obligated are included in the budget of the county for the operation of the clerk's office at  
 870 the time of the execution of such agreement."

871 **SECTION 1-28.**

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

874 "15-10-87.

875 (a) When any case is transferred from the magistrate court to the state court or superior  
 876 court, the magistrate court shall transmit to the state court clerk or superior court clerk the  
 877 filing fee paid to the magistrate court. The state court clerk or superior court clerk shall file  
 878 the case without further deposit against costs or filing fee, but as between the parties the  
 879 costs shall be as in other cases in the state court or superior court. This subsection shall  
 880 only apply to actions filed on or before June 30, 2012.

881 (b) When any case is transferred from the magistrate court to the state court or superior  
 882 court, the magistrate court shall transmit to the state court clerk or superior court clerk the

883 filing fee paid to the magistrate court. The state court clerk or superior court clerk shall file  
 884 the case without further deposit against costs or filing fee; provided, however, that all costs  
 885 and filing fees shall be paid by the parties within 30 days. Failure to pay such costs and  
 886 filing fees shall result in a dismissal of the transferred case unless there is good cause  
 887 shown. The magistrate court clerk shall transmit to the clerk of the state court or superior  
 888 court a certified copy of the contents of the entire file for the case being transferred. This  
 889 subsection shall only apply to actions filed on or after July 1, 2012."

890 **SECTION 1-29.**

891 Said title is further amended by revising subsection (a) of Code Section 15-13-33, relating  
 892 to the table of fees to be kept, as follows:

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

899 **SECTION 1-30.**

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

902 "15-13-36.

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

906 **SECTION 1-31.**

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

909 "15-16-11.

910 ~~All books which the sheriff is required to keep, after becoming full, must be deposited in~~  
 911 ~~the office of the clerk of the superior court to be kept as are other books of record;~~  
 912 ~~provided, however, that records which the sheriff is required to keep and which are~~  
 913 ~~computerized shall be maintained and stored for computer retrieval in the office of sheriff~~  
 914 Reserved."

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**SECTION 1-32.**

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

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

(A) In a fireproof safe or vault;

(B) In fireproof cabinets;

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

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

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

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**SECTION 1-33.**

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

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

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

953 **SECTION 1-34.**

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

956 "44-2-26.

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

963 **SECTION 1-35.**

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

966 "44-5-30.

967 Except for documents electronically filed as provided for in Chapter 12 of Title 10 and Part  
 968 1 of Article 1 of Chapter 2 of this title, a ~~A~~ deed to lands ~~must~~ shall be an original  
 969 document, in writing, signed by the maker, and attested by at least two witnesses. It ~~must~~  
 970 shall be delivered to the purchaser or his or her representative and be made on a good or  
 971 valuable consideration. The consideration of a deed may always be inquired into when the  
 972 principles of justice require it."

973 **SECTION 1-36.**

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

976 "44-14-4.

977 Any mortgagor who has paid off his or her mortgage may present the paid mortgage to the  
 978 clerk of the superior court of the county or counties in which the mortgage instrument is  
 979 recorded, together with the order of the mortgagee or transferee directing that the mortgage  
 980 be canceled. After payment of the fee authorized by law, the clerk shall index and record,  
 981 in the same manner as the original mortgage instrument is recorded, the canceled and  
 982 satisfied mortgage instrument or such portion thereof as bears the order of the mortgagee  
 983 or transferee directing that the mortgage be canceled, together with any order of the  
 984 mortgagee or transferee directing that the mortgage be canceled. The clerk shall show on

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

991 **SECTION 1-37.**

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

994 "44-14-364.

995 (a) When any person entitled under this part to claim a lien against any real estate located  
 996 in this state files his or her lien in the office of the clerk of the superior court of the county  
 997 in which the real estate is located, the owner of the real estate or the contractor employed  
 998 to improve the property may, before or after foreclosure proceedings are instituted,  
 999 discharge the lien ~~by filing a bond in the office of that clerk~~ upon the approval of a bond  
 1000 by the clerk of superior court. The bond shall be conditioned to pay to the holder of the  
 1001 lien the sum that may be found to be due the holder upon the trial of any lien action that  
 1002 may be filed by the lienholder to recover the amount of his or her claim within 365 days  
 1003 from the time the claim of lien is filed. The bond shall be in double the amount claimed  
 1004 under that lien and shall be either a bond with good security approved by the ~~clerk of the~~  
 1005 ~~court~~ clerk of superior court or a cash bond, except in cases involving a lien against  
 1006 ~~residential property~~ the owner's domicile, in which event the bond shall be in the amount  
 1007 claimed under the lien. An owner or contractor may be required to provide supporting data  
 1008 to the clerk to prove the value of domiciled property when such property serves as a bond  
 1009 to discharge a lien provided for in this Code section. Upon the ~~filing~~ approval by the clerk  
 1010 of the bond provided for in this Code section, the real estate shall be discharged from the  
 1011 lien. For purposes of this subsection, the term 'domicile' means the established, fixed,  
 1012 permanent, or ordinary dwelling place of the owner.

1013 (b) Within seven days of filing ~~such~~ the bond required by subsection (a) of this Code  
 1014 section and any attachments, the party filing ~~the~~ such bond shall send a notice of filing such  
 1015 bond and a copy of the bond by registered or certified mail or statutory overnight delivery  
 1016 to the lien claimant at the address stated on the lien or, if no such address is shown for the  
 1017 lien claimant, to the person shown as having filed such lien on behalf of the claimant at the  
 1018 indicated address of such person or, if the bond is filed by a contractor, to the owner of the  
 1019 property, provided that whenever the lien claimant or the owner is an entity on file with the  
 1020 Secretary of State's Corporations Division, sending the notice of filing such bond and a

1021 copy of the bond to the company's address or the registered agent's address on file with the  
 1022 Secretary of State shall be deemed sufficient; provided, however, that the failure to send  
 1023 the notice of filing the bond and copy of the bond shall not invalidate the bond for purposes  
 1024 of discharge of a claim of lien under this Code section. With respect to property bonds, the  
 1025 clerk shall not accept any real property bond unless the real property is scheduled in an  
 1026 affidavit attached thereto setting forth a description of the property and indicating the  
 1027 record owner thereof, including any liens and encumbrances and amounts thereof, the  
 1028 market value, and the value of the sureties' interest therein, which affidavit shall be  
 1029 executed by the owner or owners of the interest; the bond and affidavit shall be recorded  
 1030 in the same manner and at the same cost as other deeds of real property. So long as the  
 1031 bond exists, it shall constitute a lien against the property described in the attached affidavit.  
 1032 ~~(b)~~(c) The clerk of the superior court shall have the right to rely upon the amount specified  
 1033 in the claim of lien in determining the sufficiency of any bond to discharge under this Code  
 1034 section. The failure to specify both the amount claimed due under the lien and the date said  
 1035 claim was due shall result in such lien not constituting notice for any purposes.  
 1036 (d) The clerk of the superior court shall be held harmless for good faith regarding any  
 1037 discretionary act in connection with approval of any bond provided for in this Code  
 1038 section."

#### 1039 SECTION 1-38.

1040 Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to state printing  
 1041 and documents, is amended by revising subsection (c) of Code Section 50-18-70, relating to  
 1042 inspection of public records, as follows:

1043 "(c) ~~Any~~ Except as provided in subsection (b) of Code Section 15-6-61, any computerized  
 1044 index of a county real estate deed records shall be printed or made available through  
 1045 electronic means for purposes of public inspection no less than every 30 days and any  
 1046 correction made on such index shall be made a part of the printout or made available  
 1047 through electronic means and shall reflect the time and date that said index was corrected."

#### 1048 SECTION 1-39.

1049 Said chapter is further amended by revising subsection (a) of Code Section 50-18-98, relating  
 1050 to title to records and access to records of constitutional officers, as follows:

1051 "(a) Title to any record transferred to the Georgia State Archives as authorized by this  
 1052 article shall be vested in the division. The division shall not destroy any record transferred  
 1053 to it by an agency without consulting with the proper official of the transferring agency  
 1054 prior to submitting a retention schedule requesting such destruction to the State Records  
 1055 Committee. Access to records of constitutional officers shall be at the discretion of the

1056 constitutional officer who created, received, or maintained the records, but no limitation  
 1057 on access to such records shall extend more than 25 years after creation of the records. As  
 1058 used in this Code section, the term 'constitutional officer' means the Governor, Lieutenant  
 1059 Governor, Secretary of State, Attorney General, State School Superintendent,  
 1060 Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor."

1061 **SECTION 1-40.**

1062 Said chapter is further amended by revising Code Section 50-18-120, relating to the authority  
 1063 for establishment of microform standards, as follows:

1064 "50-18-120.

1065 The authority for the establishment of microform standards shall be vested in the State  
 1066 Records Committee. All powers and duties of the State Records Committee as provided  
 1067 in Article 5 of this chapter shall be applicable to the establishment and maintenance of  
 1068 microform standards in this state. With respect to microform standards for the courts, the  
 1069 concurrence of ~~the Administrative Office of the Courts~~ The Council of Superior Court  
 1070 Clerks of Georgia and the Judicial Council of Georgia shall be required for the  
 1071 establishment of such standards."

1072 **PART II**

1073 **SECTION 2-1.**

1074 Code Section 1-3-1 of the Official Code of Georgia Annotated, relating to construction of  
 1075 statutes generally, is amended by revising division (d)(2)(A)(ii), as follows:

1076 "(ii) Code Sections 15-6-88 through ~~15-6-92~~ 15-6-91;"

1077 **SECTION 2-2.**

1078 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 1079 subsection (c) of Code Section 15-1-10, relating to removal and storage of court records, as  
 1080 follows:

1081 "(c) With the prior written consent of the governing authority of the county or municipality  
 1082 and the prior written consent of the chief judge, judge of the probate court, or chief  
 1083 magistrate of the affected court, the clerk of each superior court, state court, probate court,  
 1084 magistrate court, juvenile court, or municipal court in this state is authorized, but not  
 1085 required, to create and maintain digital copies of records, pleadings, orders, writs, process,  
 1086 and other documents submitted to or issued by the court in criminal, quasi-criminal,  
 1087 juvenile, or civil proceedings or in any proceedings involving the enforcement of  
 1088 ordinances of local governments. All digital copies created pursuant to this subsection

1089 shall be accurate copies of the original documents and shall be stored and indexed in such  
 1090 manner as to be readily retrievable in the office of the clerk during normal business hours.  
 1091 It shall be the duty of the clerk to provide and maintain software and computers, readers,  
 1092 printers, and other necessary equipment in sufficient numbers to permit the retrieval,  
 1093 duplication, and printing of such digitally stored documents in a timely fashion when  
 1094 copies are requested. A copy of such digitally stored document retrieved by the clerk shall  
 1095 be admissible in all courts in the same manner as the original document. If a backup copy  
 1096 is created pursuant to the process prescribed by subsections (b); and (c); ~~and (d)~~ of Code  
 1097 Section 15-6-62, the clerk is authorized to destroy the original document. This subsection  
 1098 shall not apply to documents or records which have been ordered sealed by the court nor  
 1099 to documents which are placed in evidence in a proceeding. The costs of creating and  
 1100 storing digital copies of documents and providing the necessary software and equipment  
 1101 to retrieve and reproduce such documents shall be paid from funds available for the  
 1102 operation of the court. The provisions of this subsection shall constitute an additional and  
 1103 alternative method of records management and shall not supersede or repeal Code Section  
 1104 15-6-62, 15-6-62.1, 15-6-86, or 15-6-87."

### 1105 **SECTION 2-3.**

1106 Said title is further amended by revising Code Section 15-6-57, relating to election to break  
 1107 a tie, as follows:

1108 "15-6-57.

1109 Should any two or more candidates at an election to fill a vacancy in the office of superior  
 1110 court clerk, or at a regular election, have the highest and an equal number of votes, the  
 1111 judge of the probate court shall set a date and advertise another election in the manner  
 1112 prescribed in Code Section ~~15-6-56~~ 15-6-53 and shall do so until a choice is made."

### 1113 **SECTION 2-4.**

1114 Said title is further amended by revising subsections (b), (c), and (d) of Code Section  
 1115 15-6-90, relating to longevity increases, as follows:

1116 "(b) The minimum salaries provided for in Code Sections 15-6-88 and 15-6-89, this Code  
 1117 section, and Code Sections Section 15-6-91 and ~~15-6-92~~ shall be considered as salary only.  
 1118 Expenses for deputy clerks, equipment, supplies, copying equipment, and other necessary  
 1119 and reasonable expenses for the operation of a clerk's office shall come from funds other  
 1120 than the funds specified as salary in such Code sections.

1121 (c) This Code section shall not be construed to affect any local legislation, except where  
 1122 such local legislation provides for a salary lower than the salary provided in Code Sections



1123 15-6-88 and 15-6-89, this Code section, and Code ~~Sections~~ Section 15-6-91 ~~and 15-6-92~~,  
 1124 in which event such Code sections shall prevail.

1125 (d) Code Sections 15-6-88 and 15-6-89, this Code section, and Code ~~Sections~~ Section  
 1126 15-6-91 ~~and 15-6-92~~ shall not be construed to reduce the salary of any clerk of ~~the~~ superior  
 1127 court presently in office."

#### 1128 **SECTION 2-5.**

1129 Said title is further amended by revising Code Section 15-6-91, relating to the effect of salary  
 1130 provisions on local legislation, as follows:

1131 "15-6-91.

1132 All local legislation in effect on April 1, 1973, or enacted subsequent to April 1, 1973, and  
 1133 affecting compensation for clerks of ~~the~~ superior courts of the various counties shall be of  
 1134 full force and effect except where such local legislation provides for a salary lower than the  
 1135 salary provided in Code Sections 15-6-88 through 15-6-90; and this Code section, ~~and~~  
 1136 ~~Code Section 15-6-92~~, in which event such Code sections shall prevail."

#### 1137 **SECTION 2-6.**

1138 Said title is further amended by revising subsection (b) of Code Section 15-16-8, relating to  
 1139 filling the vacancy in the office of sheriff, as follows:

1140 "(b) If the probate judge fails to appoint a qualified person to discharge the duties of the  
 1141 sheriff until the vacancy is filled ~~In case there is a failure to appoint, as set forth in Code~~  
 1142 ~~Section 15-6-54~~, the coroner of the county shall act as sheriff. If there is no coroner, the  
 1143 sheriff of any adjoining county is authorized to act as sheriff until the probate judge of the  
 1144 ~~probate court~~ makes the appointment or an election is held."

#### 1145 **SECTION 2-7.**

1146 Said title is further amended by revising subsection (b) of Code Section 15-16-10, relating  
 1147 to duties of the sheriff and electronic storage, as follows:

1148 "(b) If any sheriff or deputy fails to comply with any provision of subsection (a) of this  
 1149 Code section, he or she shall be fined for a contempt as the clerk of ~~the~~ superior court is  
 1150 fined in similar cases. Code Section ~~15-6-82, as to removal,~~ 15-16-26 shall also apply to  
 1151 sheriffs."

#### 1152 **SECTION 2-8.**

1153 Said title is further amended by revising subsection (c) of Code Section 15-16-26, relating  
 1154 to investigation of charges against the sheriff, as follows:

1155 "(c) If the committee recommends the suspension of the sheriff, the Governor shall be  
 1156 authorized to suspend the sheriff for a period of up to 60 days. In any case where a sheriff  
 1157 has been suspended for 60 days, the Governor may extend the period of suspension for an  
 1158 additional 30 days. Upon such recommendation, the Governor shall also be authorized to  
 1159 request the district attorney of the county of the sheriff's residence to bring a removal  
 1160 petition against the sheriff pursuant to subsection (b) of Code Section 15-16-10 and Code  
 1161 Section ~~15-6-82~~ 15-16-26 based upon the evidence reported by the committee. In the event  
 1162 that the Governor determines that further investigation should be made, he or she may then  
 1163 order additional investigation by the committee, by the Georgia Bureau of Investigation,  
 1164 by other law enforcement agencies of this state, or by any special committee appointed by  
 1165 the Governor for such purpose."

#### 1166 SECTION 2-9.

1167 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
 1168 by revising paragraph (5) of subsection (c) of Code Section 42-1-12, relating to the State  
 1169 Sexual Offender Registry, as follows:

1170 "(5) Keep all records of sexual offenders in a secure facility in accordance with Code  
 1171 Sections 15-1-10, 15-6-62, and 15-6-62.1 until official proof of death of a registered  
 1172 sexual offender; thereafter, the records shall be destroyed ~~in accordance with Code~~  
 1173 ~~Sections 15-1-10, 15-6-62, and 15-6-62.1.~~"

#### 1174 SECTION 2-10.

1175 Said title is further amended by revising subsection (c) of Code Section 42-4-4, relating to  
 1176 duties of sheriff as to inmates and failure to comply, as follows:

1177 "(c) Any sheriff or deputy who fails to comply with this Code section shall be fined for  
 1178 contempt, as is the clerk of the superior court in similar cases. The sheriff or deputy shall  
 1179 also be subject to removal from office as prescribed in Code Section ~~15-6-82~~ 15-16-26."

### 1180 PART III

#### 1181 SECTION 3-1.

1182 Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, is  
 1183 amended by enacting a new Code Section 15-12-40 to read as follows:

1184 "15-12-40.

1185 Any person who has been convicted of a felony in a state or federal court who has not had  
 1186 his or her civil rights restored and any person who has been judicially determined to be  
 1187 mentally incompetent shall not be eligible to serve as a trial juror."

1188 **SECTION 3-2.**

1189 Said chapter is further amended by revising subsection (e) of Code Section 15-12-40.1,  
1190 relating to the state-wide master jury list, driver's license information, list of registered  
1191 voters, and random list of persons to comprise venire, as follows:

1192 "(e) On and after July 1, 2012, in each county, upon court order, the clerk shall choose a  
1193 random list of persons from the county master jury list to comprise the venire; provided,  
1194 however, that jurors summoned prior to July 1, 2012, shall remain eligible to comprise the  
1195 venire."

1196 **SECTION 3-3.**

1197 Said chapter is further amended by revising Code Section 15-12-60, relating to the  
1198 qualifications of grand jurors, as follows:

1199 "15-12-60.

1200 (a) ~~Except as provided in subsection (b) of this Code section, all citizens~~ Any citizen of  
1201 this state 18 years of age or older who ~~are not incompetent because of mental illness or~~  
1202 ~~mental retardation and who have~~ has resided in the county for at least six months preceding  
1203 the time of service shall be ~~qualified~~ eligible and liable to serve as ~~a grand jurors unless~~  
1204 ~~otherwise exempted by law~~ juror.

1205 (b) ~~The following persons shall not be eligible to serve as grand jurors:~~

1206 (1) ~~Any person who holds any elective office in state or local government or who has~~  
1207 ~~held any such office within a period of two years preceding the time of service as a grand~~  
1208 ~~juror; and~~

1209 (2) ~~Any person who has been convicted of a felony and who has not been pardoned or~~  
1210 ~~had his or her civil rights restored~~ shall not be eligible to serve as a grand juror.

1211 (c) Any person who has been convicted of a felony in a state or federal court who has not  
1212 had his or her civil rights restored and any person who has been judicially determined to  
1213 be mentally incompetent shall not be eligible to serve as a grand juror."

1214 **PART IV**

1215 **SECTION 4-1.**

1216 All laws and parts of laws in conflict with this Act are repealed.