

Senate Bill 356

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

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 provide for an additional judge of the courts of the Bell-Forsyth and Piedmont judicial
3 circuits; to provide for the initial appointment of such judges by the Governor; to provide for
4 the election and terms of office of such judges; to provide for the compensation, salary, and
5 expense allowance of such judges to be paid by the State of Georgia and the counties
6 comprising the judicial circuits; to provide for jurors; to authorize the judges of the circuits
7 to divide and allocate the work and duties thereof and provide for the duties of the chief
8 judges and presiding judges; to provide for powers, duties, and responsibilities of judges of
9 said circuits; to provide for additional court reporters and personnel and the compensation
10 of such reporters and personnel; to declare inherent authority; to amend an Act entitled "An
11 Act to amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the
12 number of judges of superior court, so as to provide for an additional judge of the superior
13 courts of Cobb, Cordele, Dublin, Enotah, and Gwinnett judicial circuits," approved May 29,
14 2007 (Ga. L. 2007, p. 695), so as to provide for the selection of the chief judge of the
15 Gwinnett Judicial Circuit; to provide effective dates; to repeal conflicting laws; and for other
16 purposes.

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

18 **PART I**
19 **SECTION 1-1.**

20 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
21 paragraphs (5.1) and (32) of Code Section 15-6-2, relating to the number of superior court
22 judges for each judicial circuit, as follows:

- 23 "(5.1) Bell-Forsyth Circuit 2 3"
- 24 "(32) Piedmont Circuit 3 4"

25

PART II

26

SECTION 2-1.

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

29

SECTION 2-2.

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

39

SECTION 2-3.

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

45

SECTION 2-4.

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

55 **SECTION 2-5.**

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

63 **SECTION 2-6.**

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

72 **SECTION 2-7.**

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

77 **SECTION 2-8.**

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

84 **SECTION 2-9.**

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

88

PART III

89

SECTION 3-1.

90 A new judge of the superior court is added to the Piedmont Judicial Circuit, thereby
91 increasing to four the number of judges of said circuit.

92

SECTION 3-2.

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

102

SECTION 3-3.

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

109

SECTION 3-4.

110 The qualifications of such additional judge and his or her successors and his or her
111 compensation, salary, and expense allowance from the State of Georgia and from the
112 counties of the superior court of the Piedmont Judicial Circuit shall be the same as are now
113 provided by law for all other superior court judges. The provisions, if any, enacted for the
114 supplementation by the counties of said circuit of the salary of the judges of the superior
115 court of the Piedmont Judicial Circuit shall also be applicable to the additional judge
116 provided for by this Act.

117

SECTION 3-5.

118 All writs and processes in the superior court of the Piedmont Judicial Circuit shall be
119 returnable to the terms of said superior court as they are now fixed and provided by law, or

120 as they may hereafter be fixed or determined by law, and all terms of said court shall be held
121 in the same manner as though there were but one judge, it being the intent and purpose of this
122 Act to provide four judges equal in jurisdiction and authority to attend and perform the
123 functions, powers, and duties of the judges of said superior court and to direct and conduct
124 all hearings and trials in said court.

125 **SECTION 3-6.**

126 Upon and after qualification of the additional judge of the superior court of the Piedmont
127 Judicial Circuit, the judges of said court may adopt, promulgate, amend, and enforce such
128 rules of practice and procedure in consonance with the Constitution and laws of the State of
129 Georgia as they deem suitable and proper for the effective transaction of the business of the
130 court; and, in transacting the business of the court and in performing their duties and
131 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
132 each. In the event of a disagreement among the judges as to the operation of the superior
133 court, the majority shall rule, or failing a majority, the decision of the senior judge in point
134 of service, who shall be known as the chief judge, shall control.

135 **SECTION 3-7.**

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

140 **SECTION 3-8.**

141 The judges of the Piedmont Judicial Circuit shall be authorized and empowered to appoint
142 an additional court reporter for such circuit, whose compensation shall be as now or hereafter
143 provided by law.

144 **SECTION 3-9.**

145 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
146 superior courts of the Piedmont Judicial Circuit may bear teste in the name of any judge of
147 the Piedmont Judicial Circuit and, when issued by and in the name of any judge of said
148 circuit, shall be fully valid and may be heard and determined before the same or any other
149 judge of said circuit. Any judge of said circuit may preside over any case therein and
150 perform any official act as judge thereof.

151 **SECTION 3-10.**

152 Upon request of any judge of the circuit, the governing authorities of the counties comprising
153 the Piedmont Judicial Circuit shall be authorized to furnish the judges of said circuit with
154 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
155 supplies, and such personnel as may be considered necessary by the court to the proper
156 function of the court. All of the expenditures authorized in this Act shall be expenses of the
157 court and payable out of the county treasury as such.

158 **PART IV**159 **SECTION 4-1.**

160 An Act entitled "An Act to amend Code Section 15-6-2 of the Official Code of Georgia
161 Annotated, relating to the number of judges of superior court, so as to provide for an
162 additional judge of the superior courts of Cobb, Cordele, Dublin, Enotah, and Gwinnett
163 judicial circuits," approved May 29, 2007 (Ga. L. 2007, p. 695), is amended by revising
164 Sections 6-5 and 6-6 as follows:

165 **"SECTION 6-5.**

166 Upon and after qualification of the additional judge of the superior court of the Gwinnett
167 Judicial Circuit, the ten judges of said court shall be authorized to adopt, promulgate,
168 amend, and enforce such rules of procedure in consonance with the Constitution and laws
169 of the State of Georgia as they deem suitable and proper for the effective transaction of the
170 business of the court; and, in transacting the business of the court and in performing their
171 duties and responsibilities, they shall divide and allocate the work and duties to be
172 performed by each. In the event of a disagreement between or among said judges affecting
173 the duties and responsibilities of the judges of the superior court of the Gwinnett Judicial
174 Circuit, the decision of the chief judge of the circuit shall be controlling.

175 **SECTION 6-6.**

176 The chief judge of the Gwinnett Judicial Circuit shall be elected from among the judges by
177 a 50 percent vote of the total number of judges voting. In the event no person obtains at
178 least 50 percent of the vote after three ballots, the chief judge shall be the eligible judge
179 having the most seniority. The term for a chief judge shall be two years, and a person may
180 be elected to successive terms. The chief judge shall be vested with the power to make all
181 appointments whenever the law provides for the superior court judge to make
182 appointments, except as herein provided."

183

PART V

184

SECTION 5-1.

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

188

SECTION 5-2.

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

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

193

SECTION 5-3.

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