

House Bill 451 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Smyre of the 135<sup>th</sup>, Smith of the 134<sup>th</sup>, Willard of the 51<sup>st</sup>, Hugley of the 136<sup>th</sup>, and Pezold of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the Chattahoochee Judicial Circuit and the Oconee Judicial Circuit; to provide for the initial appointment of such judges by the Governor; to provide for the election and terms of office of such judges; to provide for powers, duties, and responsibilities of each such judge and the judges of said circuits; to amend Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of court, so as to revise the terms of court for the Griffin circuit; to amend an Act entitled "An Act to amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the superior courts," approved March 27, 2000 (Ga. L. 2000, p. 205), so as to provide for the selection of the chief judge of the Chattahoochee Judicial Circuit; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I  
SECTION 1-1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by revising paragraph (8) as follows:

"(8) Chattahoochee Circuit ..... 67"

SECTION 1-2.

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

**SECTION 1-3.**

The initial judge appointed as provided by this Act shall be appointed by the Governor for a term beginning on July 1, 2013, and expiring on December 31, 2014, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for the election of judges of the superior courts of this state in 2014 for a term of four years beginning on January 1, 2015, and until the election and qualification of a successor. Future successors shall be elected each four years thereafter as provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state.

**SECTION 1-4.**

Said additional judge shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the superior court of said circuit may preside over any case therein and perform any official act as judge thereof.

**PART II****SECTION 2-1.**

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by revising paragraph (29) as follows:

"(29) Oconee Circuit . . . . . 2 3"

**SECTION 2-2.**

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

**SECTION 2-3.**

The initial judge appointed as provided by this Act shall be appointed by the Governor for a term beginning on July 1, 2013, and expiring on December 31, 2014, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for the election of judges of the superior courts of this state in 2014 for a term of four years

beginning on January 1, 2015, and until the election and qualification of a successor. Future successors shall be elected each four years thereafter as provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for terms of four years and until the election and qualification of a successor. They shall take office on the first day of January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state.

#### SECTION 2-4.

Said additional judge shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the superior court of said circuit may preside over any case therein and perform any official act as judge thereof.

#### PART III

#### SECTION 3-1.

Code Section 15-6-3 of the Official Code of Georgia Annotated, relating to terms of court, is amended by revising paragraph (19), as follows:

"(19) **Griffin Circuit:**

(A) Fayette County — ~~First~~ Second Monday in March and second Monday in September.

(B) Pike County — ~~Third~~ Second Monday in ~~April~~ March and ~~October~~ second Monday in September.

(C) Spalding County — ~~First~~ Second Monday in ~~February, June, and October~~ March and second Monday in September.

(D) Upson County — ~~Third~~ Second Monday in March and ~~August and first~~ second Monday in November September."

#### PART IV

#### SECTION 4-1.

An Act entitled "An Act to amend Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to the superior courts," approved March 27, 2000 (Ga. L. 2000, p. 205), is amended by revising Section 17 to read as follows:

84 "SECTION 17.

85 The chief judge of the Chattahoochee Judicial Circuit shall be elected from among the judges  
86 by a majority vote of the total number of active judges in such circuit by secret ballot.  
87 Elections shall be held during the second week of August preceding the expiration of a term.  
88 A quorum for conducting such election shall be five active judges. In the event no person  
89 obtains a majority vote after three ballots, the chief judge shall be the eligible judge having  
90 the most seniority. The term for a chief judge shall be two years beginning on January 1, and  
91 a person may be elected to successive terms. If a presiding chief judge resigns the position  
92 or the position otherwise becomes vacant, the next most senior judge shall assume the duties  
93 of the position for the remainder of the vacated term. The chief judge shall be vested with  
94 the power to prepare schedules for conducting the circuit business for his or her term and  
95 shall make all appointments whenever the law provides for the superior court judge to make  
96 appointments."

97 PART V

98 SECTION 5-1.

- 99 (a) For purposes of making the initial appointments of the judges to fill the superior court  
100 judgeships created by Parts I and II of this Act, this part and Parts I and II of this Act shall  
101 become effective upon its approval by the Governor or upon its becoming law without such  
102 approval.
- 103 (b) Part III of this Act shall become effective on January 1, 2014.
- 104 (c) Except as provided in subsection (b) of this section, for all other purposes, this Act  
105 shall become effective on July 1, 2013.

106 SECTION 5-2.

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