

House Bill 182 (AS PASSED HOUSE AND SENATE)

By: Representatives Weldon of the 3rd, Atwood of the 179th, Welch of the 110th, Allison of the 8th, Dutton of the 157th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia
2 Annotated, relating to juvenile court administration, so as to delete provisions relative to a
3 rehearing on the order of an associate juvenile court judge; to provide for the appointment
4 of a judge pro tempore; to provide for conforming amendments if HB 242 is enacted during
5 the 2013-2014 biennium of the General Assembly; to provide for related matters; to provide
6 effective dates; to provide for conditional automatic repeal; to repeal conflicting laws; and
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 PART I
10 SECTION 1-1.

11 Part 2 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
12 relating to juvenile court administration, is amended by revising Code Section 15-11-21,
13 relating to associate juvenile court judges, appointment and compensation, qualifications,
14 conduct of hearings, and rehearing, as follows:

15 "15-11-21.

16 (a) The judge may appoint one or more persons to serve as an associate juvenile court
17 judge in juvenile matters on a full-time or part-time basis. The associate juvenile court
18 judge shall serve at the pleasure of the judge, and his or her salary shall be fixed by the
19 judge with the approval of the governing authority or governing authorities of the county
20 or counties for which the associate juvenile court judge is appointed. The salary of each
21 associate juvenile court judge shall be paid from county funds.

22 (b) Each associate juvenile court judge shall have the same qualifications as required for
23 a judge of the juvenile court as provided in subsection (e) of Code Section 15-11-18;
24 provided, however, that any person serving as an associate juvenile court judge on July 1,

25 2007, shall be qualified for appointment thereafter to serve as an associate juvenile court
26 judge.

27 (c) In any case or class of cases involving alleged delinquent, unruly, or deprived children,
28 the judge shall determine whether such case shall be conducted by the judge or by the
29 associate juvenile court judge in the manner provided by this article.

30 (d) Upon the conclusion of a hearing before an associate juvenile court judge, the associate
31 juvenile court judge shall sign and file an order of the court which sets forth the decision
32 made by the associate juvenile court judge. A copy of the order shall be given to the
33 parties to the proceedings.

34 ~~(e) A rehearing may be ordered by the judge at any time and, except for detention hearings
35 or probable cause hearings, shall be ordered if a party files a written request therefor within
36 five days after receiving a copy of the order of the associate juvenile court judge."~~

37 **SECTION 1-2.**

38 Said part is further amended by revising Code Section 15-11-23, relating to appointment of
39 judge pro tempore, authority, and emolument, as follows:

40 "15-11-23.

41 In the event of the disqualification, illness, or absence of the judge of the juvenile court,
42 the judge of the juvenile court may appoint any attorney at law resident in the judicial
43 circuit in which the court lies, any judge or senior judge of the superior courts, ~~or~~ any duly
44 appointed juvenile court judge, or any duly appointed associate juvenile court judge to
45 serve as judge pro tempore of the juvenile court. In the event the judge of the juvenile court
46 is absent or unable to make such appointment, the judge of the superior court of that county
47 may so appoint. The person so appointed shall have the authority to preside in the stead of
48 the disqualified, ill, or absent judge and shall be paid from the county treasury such
49 emolument as the appointing judge shall prescribe; provided, however, that the emolument
50 shall not exceed the compensation received by the regular juvenile court judge for such
51 services."

52 **PART II**

53 **SECTION 2-1.**

54 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
55 proceedings, is amended by repealing subsection (a) of Code Section 15-11-62, relating to
56 appointment of judge pro tempore, as enacted by HB 242, substantially revising, superseding,
57 and modernizing provisions relating to juvenile proceedings during the 2013-2014 biennium
58 of the General Assembly, and enacting a new subsection (a) to read as follows:

59 "(a) In the event of the disqualification, illness, or absence of the judge of the juvenile
60 court, the judge of the juvenile court may appoint any member of the State Bar of Georgia
61 who is resident in the judicial circuit in which the court lies and has practiced law for five
62 years, any judge or senior judge of the superior courts, any duly appointed juvenile court
63 judge, or any duly appointed associate juvenile court judge to serve as judge pro tempore
64 of the juvenile court. In the event the judge of the juvenile court is absent or unable to
65 make such appointment, the judge of the superior court of that county may so appoint."

66 PART III

67 SECTION 3-1.

68 (a) This Act shall become effective on July 1, 2013, except as otherwise provided by
69 subsection (b) of this section.

70 (b)(1) Part II of this Act shall become effective only if HB 242, substantially revising,
71 superseding, and modernizing provisions relating to juvenile proceedings, is enacted
72 during the 2013-2014 biennium of the General Assembly and becomes law on or before
73 January 1, 2014, in which case Part II shall become effective on the same date that said
74 HB 242 becomes effective.

75 (2) Part I of this Act shall stand repealed if and when Part II of this Act becomes
76 effective as provided by paragraph (1) of this subsection.

77 (3) If said HB 242 does not become law on or before January 1, 2014, as provided by
78 paragraph (1) of this subsection, then Part II of this Act shall stand repealed on January
79 1, 2014.

80 SECTION 3-2.

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