

House Bill 742 (COMMITTEE SUBSTITUTE)

By: Representatives Nix of the 69<sup>th</sup>, Cooke of the 18<sup>th</sup>, Stover of the 71<sup>st</sup>, Pezold of the 133<sup>rd</sup>, Epps of the 132<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the  
2 number of superior court judges for each judicial circuit, so as to provide for an additional  
3 judge of the Coweta Judicial Circuit and the Waycross Judicial Circuit; to provide for the  
4 initial appointment of such judges by the Governor; to provide for the election and terms of  
5 office of such judges; to provide for powers, duties, and responsibilities of each such judge;  
6 to provide for related matters; to provide for effective dates; 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 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of  
12 superior court judges each judicial circuit, is amended by revising paragraph (14) as follows:

13 "(14) Coweta Circuit ..... 67"

14 SECTION 1-2.

15 One additional judge of the superior court is added to the Coweta Judicial Circuit, thereby  
16 increasing to seven the number of judges of such circuit.

17 SECTION 1-3.

18 Such additional judge shall be appointed by the Governor for a term beginning July 1, 2014,  
19 and continuing through December 31, 2016, and until his or her successor is elected and  
20 qualified. His or her successor shall be elected in the manner provided by law for the  
21 election of judges of the superior courts of this state at the nonpartisan judicial election in  
22 2016, for a term of four years beginning on January 1, 2017, and until his or her successor  
23 is elected and qualified. Future successors shall be elected at the nonpartisan judicial

24 election each four years after such election for terms of four years and until their successors  
25 are elected and qualified. They shall take office on the first day of January following the date  
26 of the election.

27 **SECTION 1-4.**

28 The additional judge of the superior courts of the Coweta Judicial Circuit shall have and may  
29 exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present  
30 judges of the superior courts of this state. Any of the judges of the Coweta Judicial Circuit  
31 may preside over any cause, whether in their own or in other circuits, and perform any  
32 official act as judge thereof, including sitting on appellate courts as provided by law.

33 **SECTION 1-5.**

34 The qualifications of such additional judge and his or her successors shall be the same as are  
35 now provided by law for all other superior court judges, and his or her compensation, salary,  
36 and expense allowance from the State of Georgia and from the counties composing the  
37 Coweta Judicial Circuit shall be the same as are now provided by law for the other superior  
38 court judges of such circuit. The provisions, if any, enacted for the supplementation by the  
39 counties of such circuit of the salary of the judges of the superior courts of the Coweta  
40 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

41 **SECTION 1-6.**

42 All writs and processes in the superior courts of the Coweta Judicial Circuit shall be  
43 returnable to the terms of such superior courts as they are now fixed and provided by law,  
44 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be  
45 held in the same manner as though there were but one judge, it being the intent and purpose  
46 of this Act to provide seven judges equal in jurisdiction and authority to attend and perform  
47 the functions, powers, and duties of the judges of such superior courts and to direct and  
48 conduct all hearings and trials in such courts.

49 **SECTION 1-7.**

50 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of  
51 the judges of the superior courts of such circuit; and they, or any one of them, shall have full  
52 power and authority to draw and impanel jurors for service in such courts so as to have jurors  
53 for the trial of cases before any of such judges separately or before each of them at the same  
54 time.

55 **SECTION 1-8.**

56 The seven judges of the superior courts of the Coweta Judicial Circuit shall be authorized and  
57 empowered to appoint an additional court reporter for such circuit, whose compensation shall  
58 be as now or hereafter provided by law.

59 **SECTION 1-9.**

60 All writs, processes, orders, subpoenas, and any other official paper issuing out of the  
61 superior courts of the Coweta Judicial Circuit may bear teste in the name of any judge of the  
62 Coweta Judicial Circuit and, when issued by and in the name of any judge of such circuit,  
63 shall be fully valid and may be heard and determined before the same or any other judge of  
64 such circuit. Any judge of such circuit may preside over any case therein and perform any  
65 official act as judge thereof.

66 **SECTION 1-10.**

67 Upon request of any judge of the circuit, the governing authorities of the counties composing  
68 the Coweta Judicial Circuit shall be authorized to furnish the judges of such circuit with  
69 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,  
70 supplies, and such personnel as may be considered necessary by the court to the proper  
71 function of the court. All of the expenditures authorized in this Act are declared to be an  
72 expense of the court and payable out of the county treasury as such.

73 **SECTION 1-11.**

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

77 **PART II**

78 **SECTION 2-1.**

79 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of  
80 superior court judges for each judicial circuit, is amended by revising paragraph (41) as  
81 follows:

82 "(41) Waycross Circuit ..... 34"

83 **SECTION 2-2.**

84 A new judge of the superior court is added to the Waycross Judicial Circuit, thereby  
85 increasing to four the number of judges of such circuit.

86 **SECTION 2-3.**

87 The initial judge appointed as provided by this Act shall be appointed by the Governor for  
88 a term beginning July 1, 2014, and expiring December 31, 2016, and until a successor is  
89 elected and qualified. A successor to the initial judge shall be elected in a manner provided  
90 by Code Section 21-2-138 of the Official Code of Georgia Annotated for the election of  
91 judges of the superior courts of this state in 2016 for a term of four years beginning on  
92 January 1, 2017, and until the election and qualification of a successor. Future successors  
93 shall be elected each four years thereafter as provided by Code Section 21-2-138 of the  
94 Official Code of Georgia Annotated for terms of four years and until the election and  
95 qualification of a successor. They shall take office on the first day of January following the  
96 date of the election. Such elections shall be held and conducted in a manner provided by law  
97 for the election of judges of the superior courts of this state.

98 **SECTION 2-4.**

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

103 **SECTION 2-5.**

104 Every person who offers for nomination and election as one of the judges of the superior  
105 courts of the Waycross Judicial Circuit shall designate with the state party authority in all  
106 state primaries and with the proper authority in all general elections the specific place for  
107 which he or she offers by naming the incumbent judge whom he or she desires to succeed;  
108 and thereupon he or she shall be qualified, if otherwise qualified, to run for such specific  
109 judgeship and no other. In the event there is no incumbent judge in the place for which he  
110 or she desires to offer, the candidate shall qualify by announcing his or her intention to run  
111 for the office for which there is no incumbent.

112 **SECTION 2-6.**

113 The qualifications of such additional judge and his or her successors shall be the same as are  
114 now provided by law for all other superior court judges; and his or her compensation, salary,  
115 and expense allowance from the State of Georgia and from the counties of such circuit shall  
116 be the same as that of the other judges of the superior courts of the Waycross Judicial Circuit.  
117 The provisions, if any, heretofore enacted for the supplementation by the counties of such  
118 circuit of the salaries of the judges of the superior courts of the Waycross Judicial Circuit  
119 shall also be applicable to the additional judge provided for by this Act.

120 **SECTION 2-7.**

121 All writs and processes in the superior courts of the Waycross Judicial Circuit shall be  
122 returnable to the terms of such superior court as they are now fixed and provided by law, or  
123 as they may hereafter be fixed or determined by law; and all terms of such courts shall be  
124 held in the same manner as though there were but one judge, it being the intent and purpose  
125 of this Act to provide judges coequal in jurisdiction and authority to attend to and perform  
126 the functions, powers, and duties of the judges of such superior courts and to direct and  
127 conduct all hearings and trials in such courts.

128 **SECTION 2-8.**

129 The judges of the superior courts of the Waycross Judicial Circuit of Georgia in transacting  
130 the business of such courts and in performing their duties and responsibilities shall share,  
131 divide, and allocate the work and duties to be performed by each. In the event of any  
132 disagreement among such judges in any respect hereof, the decision of the senior judge in  
133 point of service, who shall be known as the chief judge, shall be controlling. The judge with  
134 the longest period of time of service shall be the senior judge. The chief judge shall have the  
135 right to appoint referees of the juvenile courts of the counties composing such circuit; and,  
136 in the event a juvenile court is established in any of such counties within such circuit, as  
137 provided by law, the chief judge shall appoint the judge of such court as provided by law.  
138 The judges of the superior courts of the Waycross Judicial Circuit shall have, and they are  
139 hereby clothed with, full power, authority, and discretion to determine from time to time, and  
140 term to term, the manner of calling the dockets and fixing the calendars and order of business  
141 in such courts. They may assign to one of such judges the hearing of trials by jury for a term,  
142 and the hearing of all other matters not requiring a trial by a jury to one of the other judges;  
143 and they may rotate such order of business at the next term. They may conduct trials by jury  
144 at the same time in the same county or otherwise within such circuit, or they may hear  
145 chambers business and motion business at the same time at any place within such circuit.  
146 They may provide in all respects for holding the superior courts of such circuit so as to  
147 facilitate the hearing and determination of all the business of such courts at any time pending  
148 and ready for trial or hearing. In all such matters relating to the manner of fixing, arranging  
149 for, and disposing of the business of such courts, and making appointments as authorized by  
150 law where the judges thereof cannot agree or shall differ, the opinion or order of the chief  
151 judge as hereinbefore defined shall control.

152 **SECTION 2-9.**

153 The drawing and empaneling of all jurors, whether grand, petit, or special, may be by each  
154 of the judges of the superior courts of such circuit; and they, or each of them, shall have full

155 power and authority to draw and empanel jurors for service in such courts so as to have  
156 jurors for the trial of cases before each of such judges separately or before each of them at  
157 the same time.

158 **SECTION 2-10.**

159 The judges of the Waycross Judicial Circuit shall be authorized and empowered to appoint  
160 an additional court reporter for such circuit, whose compensation shall be as now or hereafter  
161 provided by law.

162 **SECTION 2-11.**

163 All writs, processes, orders, subpoenas, and any other official paper issuing out of the  
164 superior courts of the Waycross Judicial Circuit may bear teste in the name of any judge of  
165 the Waycross Judicial Circuit and, when issued by and in the name of any judge of such  
166 circuit, shall be fully valid and may be heard and determined before the same or any other  
167 judge of such circuit. Any judge of such court may preside over any cause therein and  
168 perform any official act as judge thereof.

169 **SECTION 2-12.**

170 Upon request of any judge of the circuit, the governing authorities of the counties composing  
171 the Waycross Judicial Circuit are hereby authorized to furnish the judges of such circuit with  
172 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,  
173 supplies, and such personnel as may be considered necessary by the court to the proper  
174 function of the court. All of the expenditures authorized herein are hereby declared to be an  
175 expense of court and payable out of the county treasury as such.

176 **SECTION 2-13.**

177 Nothing herein enumerated shall be deemed to limit or restrict the inherent powers, duties,  
178 and responsibilities of superior court judges provided by the Constitution and statutes of the  
179 State of Georgia.

180 **PART III**

181 **SECTION 3-1.**

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

185 (b) For all other purposes, this Act shall become effective on July 1, 2014.

186

**SECTION 3-2.**

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