

House Bill 300

By: Representatives Oliver of the 82nd, Stephenson of the 90th, Jacobs of the 80th, Mosby of the 83rd, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of DeKalb County, formerly known as the Civil
2 and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401),
3 as amended, so as to establish the traffic division of said court; to provide for judges; to
4 provide for initial terms and elections; to provide for the assignment of cases; to provide for
5 a solicitor and clerk; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the State Court of DeKalb County, formerly known as the Civil and
10 Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as
11 amended, is amended by designating the existing text of such Act as Part 1 and by adding
12 thereafter a new Part 2 to read as follows:

13 *"Part 2*

14 Section 2-1.

15 There is created a division of the State Court of DeKalb County to be known as the 'traffic
16 division.' The traffic division of the state court shall be governed by the provisions of
17 general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating to state courts, and
18 by the additional provisions of this part.

19 Section 2-2.

20 (a) In addition to all other judges of the state court, there shall be four judges of the traffic
21 division who shall be known as associate judges of the state court. The qualifications and
22 election of the associate judges shall be as provided by general law.

23 (b) The initial associate judges shall be appointed by the Governor. Such initial associate
24 judges shall serve until January 1, 2017, and until their successors are duly elected and
25 qualified. Their successors shall be elected at the 2016 general election to serve terms of
26 four years. All such elections shall be as provided by general law.

27 (c) Except as specifically provided in this part, all provisions of this Act relating to the
28 judges of the state court shall be applicable to the associate judges of the traffic division.

29 (d) The four associate judges of the traffic division are designated as full-time judges and
30 may not engage in the private practice of law.

31 (e) Associate judges of the traffic division shall not be eligible to serve as senior judge of
32 the state court.

33 Section 2-3.

34 (a) The associate judge who, among those appointed as provided in subsection (b) of
35 Section 2-2, has been a member of the State Bar of Georgia the longest shall be known as the
36 presiding associate judge and shall serve in such position until he or she leaves the court or
37 elects to become an associate judge.

38 (b) In the event of a vacancy in the office of presiding associate judge, the associate judge
39 having the most seniority shall assume the position of presiding associate judge unless he or
40 she declines such position, in which event the associate judge having the next most seniority
41 shall assume the position of presiding associate judge. In the event two associate judges are
42 equal in seniority, the associate judge who has been a member of the State Bar of Georgia
43 the longest shall be presiding associate judge unless he or she declines such position.

44 (c) The four associate judges, in performing their duties and responsibilities, shall share,
45 divide, and allocate the work and duties to be performed by each of them. In the event of
46 disagreement between the associate judges with respect to such matters, the decision of the
47 presiding associate judge shall govern.

48 (d) Notwithstanding any provision of this part to the contrary, the senior judge of the state
49 court shall have ultimate authority over all matters concerning the administration of the
50 traffic division.

51 Section 2-4.

52 (a) All cases involving violations of the traffic laws of the State of Georgia shall be assigned
53 to the state court.

54 (b) The senior judge of the state court may order that cases involving violations of the traffic
55 laws of the State of Georgia or any other matters within the jurisdiction of the state court be
56 assigned to the traffic division.

57 (c) The provisions of this section shall not limit the power of the associate judges to hear and
58 decide any matter within the jurisdiction of the court; but the associate judges shall hear and
59 decide only such matters as are assigned to the traffic division by order of the senior judge
60 of the state court.

61 (d) This section shall not limit the power of the associate judges to punish contempts in the
62 same manner as any other judge of the state court.

63 Section 2-5.

64 The associate judges shall take an oath to faithfully administer and discharge the duties of
65 their offices in accordance with the Constitution and laws of the State of Georgia and the
66 Constitution of the United States, which oath may be administered by any officer authorized
67 under the laws of this state to administer oaths.

68 Section 2-6.

69 The solicitor of the state court shall be the solicitor of the traffic division.

70 Section 2-7.

71 The clerk of the state court shall be the clerk of the traffic division. All records of the
72 Recorder's Court of DeKalb County shall be transferred to and maintained by the clerk of the
73 state court."

74 **SECTION 2.**

75 This Act shall become effective upon its approval by the Governor or upon its becoming law
76 without such approval.

77 **SECTION 3.**

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