

House Bill 367

By: Representatives Quick of the 117th, Williams of the 119th, Frye of the 118th, Fleming of the 121st, Atwood of the 179th, 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 judges of superior courts, so as to provide for a fourth judge of the superior courts
3 of the Western Judicial Circuit; to provide for the appointment of such additional judge by
4 the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court
9 reporter for such circuit; to authorize the governing authority of the counties that comprise
10 the Western Judicial Circuit to provide facilities, office space, supplies, equipment, and
11 personnel for such judges; to declare inherent authority; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
16 judges of superior courts, is amended by revising paragraph (42) as follows:

17 "(42) Western Circuit 3 4"

18 SECTION 2.

19 One additional judge of the superior courts is added to the Western Judicial Circuit, thereby
20 increasing to four the number of judges of said circuit.

21 SECTION 3.

22 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2016,
23 and continuing through December 31, 2018, and until his or her successor is elected and
24 qualified. His or her successor shall be elected in the manner provided by law for the

25 election of judges of the superior courts of this state at the nonpartisan judicial election in
26 2018, for a term of four years beginning on January 1, 2019, and until his or her successor
27 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
28 election each four years after such election for terms of four years and until their successors
29 are elected and qualified. They shall take office on the first day of January following the date
30 of the election.

31 **SECTION 4.**

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

37 **SECTION 5.**

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

45 **SECTION 6.**

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

53 **SECTION 7.**

54 Upon and after qualification of the additional judge of the superior courts of the Western
55 Judicial Circuit, the four judges of such circuit may adopt, promulgate, amend, and enforce
56 such rules of practice and procedure in consonance with the Constitution and laws of the
57 State of Georgia as they deem suitable and proper for the effective transaction of the business

58 of the court; and, in transacting the business of the court and in performing their duties and
59 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
60 each. In the event of a disagreement among the judges in respect hereof, the decision of the
61 senior judge in point of service, who shall be known as the chief judge, shall be controlling.
62 The four judges of the superior courts of the Western Judicial Circuit shall have and are
63 clothed with full power, authority, and discretion to determine from time to time and term
64 to term the manner of calling the dockets, fixing the calendars, and order of business in such
65 courts. They may assign to one of such judges the hearing of trials by jury for a term and the
66 hearing of all other matters not requiring a trial by jury to the other judges, and they may
67 rotate such order of business at the next term. They may conduct trials by jury at the same
68 time in the same county or otherwise within such circuit, or they may hear chambers business
69 and motion business at the same time at any place within such circuit. They may provide in
70 all respects for holding the superior courts of such circuit so as to facilitate the hearing and
71 determination of all the business of such courts at any time pending and ready for trial or
72 hearing. In all such matters relating to the fixing, arranging for, and disposing of the
73 business of such courts and making appointments as authorized by law where the judges
74 thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for
75 in this Act shall control.

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SECTION 8.

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

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SECTION 9.

83 The four judges of the superior courts of the Western Judicial Circuit shall be authorized and
84 empowered to appoint an additional court reporter for such circuit, whose compensation shall
85 be as now or hereafter provided by law.

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SECTION 10.

87 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
88 superior courts of the Western Judicial Circuit may bear teste in the name of any judge of the
89 Western Judicial Circuit and, when issued by and in the name of any judge of such circuit,
90 shall be fully valid and may be heard and determined before the same or any other judge of

91 such circuit. Any judge of such circuit may preside over any case therein and perform any
92 official act as judge thereof.

93 **SECTION 11.**

94 Upon request of any judge of the circuit, the governing authorities of the counties comprising
95 the Western Judicial Circuit shall be authorized to furnish the judges of such circuit with
96 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
97 supplies, and such personnel as may be considered necessary by the court to the proper
98 function of the court. All of the expenditures authorized in this Act are declared to be an
99 expense of the court and payable out of the county treasury as such.

100 **SECTION 12.**

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

104 **SECTION 13.**

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