

The House Committee on Judiciary offers the following substitute to HB 367:

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 April 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 The chief judge shall be selected by majority vote of the judges of the superior courts of the
55 Western Judicial Circuit. In the event of a tie vote, the judge nominated for the position most
56 senior in point of service shall be the chief judge for the ensuing term. The term of the chief
57 judge shall be for two years, or until the person serving as chief judge resigns the position

58 or leave the court, whichever time is shorter. The chief judge shall be eligible to succeed
59 himself or herself for one additional term.

60 **SECTION 8.**

61 Upon and after qualification of the additional judge of the superior courts of the Western
62 Judicial Circuit, the four judges of such circuit may adopt, promulgate, amend, and enforce
63 such rules of practice and procedure in consonance with the Constitution and laws of the
64 State of Georgia as they deem suitable and proper for the effective transaction of the business
65 of the court; and, in transacting the business of the court and in performing their duties and
66 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
67 each. In the event of a disagreement among the judges in respect hereof, the decision of the
68 chief judge shall be controlling. The four judges of the superior courts of the Western
69 Judicial Circuit shall have and are clothed with full power, authority, and discretion to
70 determine from time to time and term to term the manner of calling the dockets, fixing the
71 calendars, and order of business in such courts. They may assign to one of such judges the
72 hearing of trials by jury for a term and the hearing of all other matters not requiring a trial
73 by jury to the other judges, and they may rotate such order of business at the next term. They
74 may conduct trials by jury at the same time in the same county or otherwise within such
75 circuit, or they may hear chambers business and motion business at the same time at any
76 place within such circuit. They may provide in all respects for holding the superior courts
77 of such circuit so as to facilitate the hearing and determination of all the business of such
78 courts at any time pending and ready for trial or hearing. In all such matters relating to the
79 fixing, arranging for, and disposing of the business of such courts and making appointments
80 as authorized by law where the judges thereof cannot agree or shall differ, the opinion or
81 order of the chief judge as provided for in this Act shall control.

82 **SECTION 9.**

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

88 **SECTION 10.**

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

92 **SECTION 11.**

93 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
94 superior courts of the Western Judicial Circuit may bear teste in the name of any judge of the
95 Western Judicial Circuit and, when issued by and in the name of any judge of such circuit,
96 shall be fully valid and may be heard and determined before the same or any other judge of
97 such circuit. Any judge of such circuit may preside over any case therein and perform any
98 official act as judge thereof.

99 **SECTION 12.**

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

106 **SECTION 13.**

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

110 **SECTION 14.**

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