

House Bill 279 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Powell of the 171<sup>st</sup>, Abrams of the 89<sup>th</sup>, Fleming of the 121<sup>st</sup>, Oliver of the 82<sup>nd</sup>, Willard of the 51<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15, Article 2 of Chapter 12 of Title 17, and Code Section 45-7-4 of the  
2 Official Code of Georgia Annotated, relating to courts, public defenders, and annual salaries  
3 of certain state officials, respectively, so as to change provisions relating to the compensation  
4 of superior court judges, district attorneys, circuit public defenders, Supreme Court Justices,  
5 and Court of Appeals Judges; to provide for state salary supplements for superior court  
6 judges, district attorneys, and circuit public defenders under certain circumstances; to provide  
7 for state salary supplements for superior court judges of drug court, mental health court, and  
8 veteran court divisions; to change provisions relating to county salary supplements for  
9 superior court judges, district attorneys, and circuit public defenders; to repeal provisions  
10 relating to the annual salaries of Supreme Court Justices and Court of Appeals Judges; to  
11 enact provisions relating to the annual salaries of Supreme Court Justices and Court of  
12 Appeals Judges; to provide for a contingent effective date and effective date; to provide for  
13 related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
17 Code Section 15-6-29, relating to the salary of superior court judges, as follows:

18 "15-6-29.

19 (a) The annual salary of the judges of the superior courts shall be as provided in Code  
20 ~~Section Sections~~ 45-7-4 and 15-6-29.1 and may be as provided in Code Section 15-6-29.2.

21 The annual salary provided by Code Section 45-7-4 shall be paid by The Council of  
22 Superior Court Judges of Georgia in 12 equal monthly installments.

23 (b) The annual salary ~~so fixed~~ shall be the total compensation to be paid by the state to the  
24 superior court judges and shall be in lieu of any and all other amounts to be paid from The  
25 Council of Superior Court Judges of Georgia, except as provided in Code Sections  
26 15-6-29.1, 15-6-30, and 15-6-32.

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27 (c) When a new superior court judgeship is created by law for any judicial circuit, the new  
 28 superior court judge shall upon taking office become entitled to and shall receive from the  
 29 county or counties comprising the circuit the same county salary supplement, if any, then  
 30 in effect for the other judge or judges of the judicial circuit. If the county salary  
 31 supplement paid by the county or counties comprising the circuit varies between judges in  
 32 the circuit, any newly appointed or elected superior court judge shall receive the lowest  
 33 county supplement in effect on the day his or her initial term begins. Such county salary  
 34 ~~supplement~~ supplements for such new judge shall be authorized by this subsection and no  
 35 other legislation or local legislation shall be required in order to authorize such salary  
 36 supplement, but nothing in this Code section shall be construed to prohibit the enactment  
 37 of local legislation relating to such salary supplements. A publication of notice of intention  
 38 to introduce local legislation as provided for in Code Section 28-1-14 shall be required for  
 39 any local legislation granting, changing the amount of, or removing a salary supplement;  
 40 but no publication of notice of intention shall be required for a bill creating one or more  
 41 new superior court judgeships."

42 **SECTION 2.**

43 Said title is further amended by adding a new Code section to read as follows:

44 "15-6-29.1.

45 (a) As used in this Code section, the term 'county salary supplement' means the total  
 46 supplement being paid to a superior court judge from all of the counties in such judge's  
 47 circuit.

48 (b) Notwithstanding Code Section 15-6-27, if on February 15, 2015, a superior court  
 49 judge's county salary supplement was less than \$30,000.00, then on and after January 1,  
 50 2016, the state shall pay to such judge an annual state salary supplement in an amount  
 51 equal to the difference between the amount of such judge's county salary supplement and  
 52 \$30,000.00. Such state salary supplement shall be paid from state funds by The Council  
 53 of Superior Court Judges of Georgia in equal monthly installments as regular  
 54 compensation. The Council of Superior Court Judges of Georgia shall collect data relative  
 55 to county salary supplements in order to determine the state salary supplement that shall  
 56 be paid to each superior court judge. Whatever county salary supplement is being paid to  
 57 a superior court judge on February 15, 2015, shall forever be the amount utilized to  
 58 determine the amount of the state salary supplement irrespective of a county salary  
 59 supplement being increased or reduced in the future; provided, however, that this  
 60 subsection shall not authorize a county salary supplement to be decreased until an  
 61 incumbent's successive term of office.

62 (c) When a local law provides for a salary to be paid based on a percentage of, total  
 63 compensation for, or similar mathematical relationship to a superior court judge's salary,  
 64 the state salary supplement paid pursuant to this Code section shall not be included in the  
 65 calculation of compensation to be paid by a county, municipality, or consolidated  
 66 government."

67 **SECTION 3.**

68 Said title is further amended by adding a new Code section to read as follows:

69 "15-6-29.2.

70 (a) As used in this Code section, the term 'accountability court' means a drug court  
 71 division, mental health court division, or veterans court division.

72 (b) On and after January 1, 2016, the state shall pay each judge regularly presiding in an  
 73 accountability court an annual state supplement of \$6,000.00. Such supplement shall be  
 74 paid from state funds by The Council of Superior Court Judges of Georgia in equal  
 75 monthly installments as regular compensation. The Administrative Office of the Courts  
 76 shall certify to the council the time period for which a judge is serving as the presiding  
 77 judge of an accountability court.

78 (c) When a local law provides for a salary to be paid based on a percentage of, total  
 79 compensation for, or similar mathematical relationship to a superior court judge's salary,  
 80 the state salary supplement paid pursuant to this Code section shall not be included in the  
 81 calculation of compensation to be paid by a county, municipality, or consolidated  
 82 government."

83 **SECTION 4.**

84 Said title is further amended by revising Code Section 15-18-10, relating to compensation  
 85 of district attorneys, as follows:

86 "15-18-10.

87 (a) Each district attorney shall receive an annual salary from state funds as prescribed by  
 88 law. Such salary shall be paid as provided in Code ~~Section~~ Sections 15-18-19 and  
 89 15-18-10.1.

90 (b) The county or counties comprising the judicial circuit may supplement the salary of  
 91 the district attorney in such amount as is or may be authorized by local Act or in such  
 92 amount as may be determined by the governing authority of such county or counties,  
 93 whichever is greater.

94 (c) ~~All fees, fines, forfeitures, costs, and commissions formerly allowed district attorneys~~  
 95 ~~for their services as district attorney or as solicitor of any other court shall become the~~  
 96 ~~property of the county in which the services of the district attorney were rendered. The~~

97 clerk of court shall collect any such fees, fines, forfeitures, costs, and emoluments and  
 98 remit the same to the county treasury by the fifteenth day of each month.  
 99 (d) No district attorney receiving an annual salary under this Code section shall engage in  
 100 the private practice of law."

#### 101 SECTION 5.

102 Said title is further amended by adding a new Code section to read as follows:

103 "15-18-10.1.

104 (a) As used in this Code section, the term 'county salary supplement' means the total  
 105 supplement being paid to a district attorney from all of the counties in such district  
 106 attorney's circuit.

107 (b) Notwithstanding Code Section 15-18-19, if on February 15, 2015, a district attorney's  
 108 county salary supplement was less than \$15,000.00, then on and after January 1, 2016, the  
 109 state shall pay to such district attorney an annual state salary supplement in an amount  
 110 equal to the difference between the amount of such district attorney's county salary  
 111 supplement and \$15,000.00. Such state salary supplement shall be paid from state funds  
 112 by the Prosecuting Attorneys' Council of the State of Georgia in equal monthly installments  
 113 as regular compensation. The Prosecuting Attorneys' Council of the State of Georgia shall  
 114 collect data relative to county salary supplements in order to determine the state salary  
 115 supplement that shall be paid to each district attorney. Whatever county salary supplement  
 116 is being paid to a district attorney on February 15, 2015, shall forever be the amount  
 117 utilized to determine the amount of the state salary supplement irrespective of a county  
 118 salary supplement being increased or reduced in the future.

119 (c) Notwithstanding Code Sections 15-18-14 and 15-18-14.2, the state salary supplement  
 120 paid pursuant to this Code section shall not be included in any calculation of compensation  
 121 paid to assistant district attorneys or victim assistance coordinators that is measured as a  
 122 percentage of a district attorney's salary.

123 (d) When a local law provides for a salary to be paid based on a percentage of, total  
 124 compensation for, or similar mathematical relationship to a district attorney's salary, the  
 125 state salary supplement paid pursuant to this Code section shall not be included in the  
 126 calculation of compensation to be paid by a county, municipality, or consolidated  
 127 government."

#### 128 SECTION 6.

129 Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to  
 130 public defenders, is amended by revising subsection (a) of Code Section 17-12-25, relating  
 131 to the salary of the public defender, as follows:

132 "(a) Each circuit public defender shall receive an annual salary of \$87,593.58, and  
133 cost-of-living adjustments may be given by the General Assembly in the General  
134 Appropriations Act by a percentage not to exceed the average percentage of the general  
135 increase in salary as may from time to time be granted to employees of the executive,  
136 judicial, and legislative branches of government; provided, however, that any increase for  
137 such circuit public defender shall not include within-grade step increases for which  
138 classified employees as defined by Code Section 45-20-2 are eligible. Any increase  
139 granted pursuant to this subsection shall become effective at the same time that funds are  
140 made available for the increase for such employees. The Office of Planning and Budget  
141 shall calculate the average percentage increase. Each circuit public defender may also be  
142 entitled to a state salary supplement as set forth in Code Section 17-12-25.1."

143 **SECTION 7.**

144 Said article is further amended by adding a new Code section to read as follows:

145 "17-12-25.1.

146 (a) As used in this Code section, the term 'county salary supplement' means the total  
147 supplement being paid to a circuit public defender from all of the counties in such circuit  
148 public defender's circuit.

149 (b) Notwithstanding Code Section 15-18-19, if on February 15, 2015, a circuit public  
150 defender's county salary supplement was less than \$15,000.00, then on and after January 1,  
151 2016, the state shall pay to such circuit public defender an annual state salary supplement  
152 in an amount equal to the difference between the amount of such circuit public defender's  
153 county salary supplement and \$15,000.00. Such state salary supplement shall be paid from  
154 state funds by the Georgia Public Defender Standards Council in equal monthly  
155 installments as regular compensation. The Georgia Public Defender Standards Council  
156 shall collect data relative to county salary supplements in order to determine the state salary  
157 supplement that shall be paid to each circuit public defender. Whatever county salary  
158 supplement is being paid to a circuit public defender on February 15, 2015, shall forever  
159 be the amount utilized to determine the amount of the state salary supplement irrespective  
160 of a county salary supplement being increased or reduced in the future.

161 (c) Notwithstanding Code Sections 17-12-27 and 17-12-28, the state salary supplement  
162 paid pursuant to this Code section shall not be included in any calculation of compensation  
163 paid to assistant public defenders or investigators that is measured as a percentage of a  
164 district attorney's salary."

165 **SECTION 8.**

166 Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual salaries  
167 of certain state officials and cost-of-living adjustments, is amended by repealing in their  
168 entirety paragraphs (18) and (19) of subsection (a) and enacting new paragraphs (18) and  
169 (19) to read as follows:

170	<u>"(18) Each Justice of the Supreme Court .....</u>	<u>179,210.00</u>
171	<u>(19) Each Judge of the Court of Appeals .....</u>	<u>178,186.00"</u>

172 **SECTION 9.**

173 (a) This Act shall become effective only if funds are appropriated for purposes of this Act  
174 in an appropriations Act enacted at the 2015 regular session of the General Assembly.

175 (b) If funds are so appropriated, then this Act shall become effective on January 1, 2016.

176 (c) If funds are not so appropriated, then this Act shall not become effective and shall  
177 stand repealed on July 1, 2015.

178 **SECTION 10.**

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