

Senate Bill 236

By: Senator Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To create the State Court of Catoosa County; to specify the location of the court and provide
2 for facilities therefor; to provide for jurisdiction, powers, practice, and procedure; to provide
3 for terms of court; to specify business hours of the court; to specify costs and fees; to provide
4 for transfer of certain matters from the Superior Court of Catoosa County; to provide for
5 institution of criminal cases; to provide for appeals; to provide for selection, number, and
6 compensation of jurors; to provide for appointment, election, qualifications, and terms of
7 office of a judge of the court; to provide for restrictions and discipline of such judge and
8 powers and duties thereof; to provide for the appointment, election, qualifications, and terms
9 of office of a solicitor-general of the court and the powers and duties thereof; to provide for
10 a clerk and sheriff of the court and the duties thereof; to provide compensation for the judge,
11 solicitor-general, and other officers and staff of the court; to provide for a judge pro hac vice
12 and an official court stenographer; to provide for expenses for the court; to provide an
13 effective date; to repeal conflicting laws; and for other purposes.

14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

15 **SECTION 1.**

16 Effective July 1, 2016, there is created the State Court of Catoosa County which shall have
17 the power, jurisdiction, and method of procedure as provided by Chapter 7 of Title 15 of the
18 O.C.G.A.

19 **SECTION 2.**

20 The State Court of Catoosa County shall be located in the county site of Catoosa County in
21 facilities provided by the governing authority of Catoosa County.

22 **SECTION 3.**

23 The State Court of Catoosa County shall have such rules of practice and procedure as
24 provided by Chapter 7 of Title 15 of the O.C.G.A. or by rules promulgated by the Supreme
25 Court of Georgia.

26 **SECTION 4.**

27 The State Court of Catoosa County shall have quarterly terms beginning on the second
28 Monday of January, April, July, and October in the county site of Catoosa County, and such
29 terms shall remain open for the transaction of business until the next succeeding term. If the
30 date fixed for the convening of any term is a legal holiday, then that term shall begin on the
31 next day thereafter which is not a legal holiday. Such court shall at all times be open for the
32 purpose of receiving pleas of guilty in criminal cases and passing sentence thereon and for
33 the transaction of civil business before the court.

34 **SECTION 5.**

35 The clerk of the state court shall be required to keep his or her office open the same hours
36 for business as the clerk of the superior court.

37 **SECTION 6.**

38 The clerk of the state court shall be entitled to charge and collect the same fees as the clerk
39 of the superior court is entitled to charge and collect for the same or similar services. All
40 such fees shall be paid into the county treasury, except those sums which are directed by law
41 to be paid otherwise.

42 **SECTION 7.**

43 All misdemeanor criminal cases pending in the Superior Court of Catoosa County, the
44 Probate Court of Catoosa County, and the Magistrate Court of Catoosa County on July 1,
45 2016, shall be transferred to the State Court of Catoosa County on such date and shall
46 thereafter stand for trial in such state court as though originally filed therein.

47 **SECTION 8.**

48 All prosecutions in criminal cases instituted in the State Court of Catoosa County shall be
49 by written accusation, uniform traffic citation, or summons as provided for by Code
50 Section 17-7-71 of the O.C.G.A.

51 **SECTION 9.**

52 Any cases tried in the State Court of Catoosa County shall be subject to review by the Court
53 of Appeals or the Supreme Court of Georgia, whichever court has jurisdiction, in the same
54 manner and under the same rules of appellate procedure as apply to cases in the superior
55 court.

56 **SECTION 10.**

57 (a) Traverse jurors shall be drawn, selected, chosen, and summoned for service in the State
58 Court of Catoosa County from the same jury list and from the same jury box and in the same
59 manner as is done in the superior court. Jurors in such state court shall receive the same per
60 diem compensation for service therein as in the Superior Court of Catoosa County and shall
61 be paid by Catoosa County in the same manner and out of like funds as jurors are paid in the
62 superior court.

63 (b) The jury for the trial of all civil cases tried in the State Court of Catoosa County shall be
64 composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.
65 Peremptory strikes in civil cases shall be exercised in the manner prescribed in Chapter 12
66 of Title 15 of the O.C.G.A.

67 (c) The jury for the trial of all criminal cases tried in the State Court of Catoosa County shall
68 be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.
69 Peremptory strikes in criminal cases shall be exercised in the manner prescribed in
70 Chapter 12 of Title 15 of the O.C.G.A.

71 **SECTION 11.**

72 (a) There shall be a judge of the State Court of Catoosa County who shall be elected by the
73 qualified voters of Catoosa County at the state-wide nonpartisan general election in 2018,
74 shall take office the first day of January immediately following such election, and shall serve
75 for a term of office of four years and until the election and qualification of a successor, as
76 provided by Chapter 7 of Title 15 and Title 21 of the O.C.G.A.; provided, however, that the
77 first judge shall be appointed by the Governor for a term of office beginning July 1, 2016,
78 and ending January 1, 2019, and until the election and qualification of a successor.

79 (b) The judge of such court shall have such qualifications and shall be subject to such
80 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. He or she
81 shall be vested with all the power and authority of the judges of the state courts by Chapter 7
82 of Title 15 of the O.C.G.A.

83 (c) The judge shall be a full-time judge, shall be paid an annual salary in an amount equal
84 to 90 percent of the state salary for judges of the superior court not including any local
85 supplements, and shall receive all legally required benefits. Such salary shall be payable out

86 of the funds of Catoosa County at the same intervals as installments are paid to other county
87 employees. The governing authority of Catoosa County may supplement such judge's salary.

88 **SECTION 12.**

89 (a) There shall be a solicitor-general of the State Court of Catoosa County who shall be
90 elected by the qualified voters of Catoosa County at the state-wide general election in
91 November, 2018, shall take office the first day of January immediately following such
92 election, and shall serve for a term of office of four years and until the election and
93 qualification of a successor, as provided by Article 3 of Chapter 18 of Title 15 and Title 21
94 of the O.C.G.A.; provided, however, that the first solicitor-general shall be appointed by the
95 Governor for a term of office beginning July 1, 2016, and ending January 1, 2019, and until
96 the election and qualification of a successor.

97 (b) The solicitor-general of such court shall have such qualifications as provided in Article 3
98 of Chapter 18 of Title 15 of the O.C.G.A. and shall be a full-time solicitor-general of such
99 court.

100 (c) The solicitor-general shall be paid an annual salary equal to 85 percent of the salary of
101 the state court judge, not including any local supplements, and shall receive all legally
102 required benefits. Such salary shall be payable out of the funds of Catoosa County at the
103 same intervals as installments are paid to other county employees.

104 **SECTION 13.**

105 (a) The clerk of the Superior Court of Catoosa County shall, by virtue of his or her office,
106 be the clerk of the State Court of Catoosa County, and the sheriff of such county shall
107 likewise be the sheriff of such state court. The clerk shall provide all the necessary dockets,
108 writs, minute books, printed forms, and the like as will be necessary for such state court
109 which shall be paid for by Catoosa County in like manner as such items in the superior court.

110 (b) The number and salaries of any necessary additional support staff for the clerk of the
111 superior court and the sheriff of Catoosa County required to serve the State Court of Catoosa
112 County shall be set by the Catoosa County Board of Commissioners.

113 **SECTION 14.**

114 The governing authority of Catoosa County is authorized to supplement the salary of the
115 clerk of the superior court in the amount of \$500.00 per month.

116 **SECTION 15.**

117 In the event the judge of the State Court of Catoosa County is unable to preside in the court
118 or is disqualified for any reason, then the judge may appoint a judge pro hac vice to serve in

119 his or her absence. Such judge pro hac vice shall meet the same qualifications as the judge
120 of the State Court of Catoosa County.

121 **SECTION 16.**

122 The judge of the State Court of Catoosa County may appoint an official stenographer for
123 such court who shall report such cases as the court may require. He or she shall receive the
124 same fees as allowed for similar services in the superior court which shall be taxed and
125 enforced as in the superior court.

126 **SECTION 17.**

127 The judge and solicitor-general of the State Court of Catoosa County shall make application
128 to the Catoosa County Board of Commissioners for the provision of necessary and
129 reasonable expenses incurred by them in the operation of the court.

130 **SECTION 18.**

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