

House Bill 804

By: Representatives Mabra of the 63rd, Glanton of the 75th, Douglas of the 78th, Scott of the 76th, Stovall of the 74th, 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 fifth judge of the superior courts
3 of the Clayton 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 Clayton Judicial Circuit to provide facilities, office space, supplies, equipment, and
11 personnel for such judges; to declare inherent authority; to provide for related matters; to
12 provide for an effective date; to repeal conflicting laws; and for 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 (10) as follows:

17 "(10) Clayton Circuit 4 5"

18 SECTION 2.

19 One additional judge of the superior courts is added to the Clayton Judicial Circuit, thereby
20 increasing to five 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
26 in 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 Clayton Judicial Circuit shall have and may
33 exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present
34 judges of the superior courts of this state. Any of the judges of the Clayton Judicial Circuit
35 may preside over any cause, whether in their own or in other circuits, and perform any
36 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 Clayton 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 Clayton
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 Clayton 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 five 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 judge of the Clayton Judicial Circuit senior in the length of continuous service as a
55 superior court judge shall be the chief judge of such circuit. Upon and after qualification of
56 the additional judge of the superior courts of the Clayton Judicial Circuit, the five judges of
57 such circuit may adopt, promulgate, amend, and enforce such rules of practice and procedure

58 in consonance with the Constitution and laws of the State of Georgia as they deem suitable
59 and proper for the effective transaction of the business of the court; and, in transacting the
60 business of the court and in performing their duties and responsibilities, they shall share,
61 divide, and allocate the work and duties to be performed by each. In the event of a
62 disagreement among the judges in respect hereof, the decision of the chief judge shall be
63 controlling. The five judges of the superior courts of the Clayton Judicial Circuit shall have
64 and are clothed with full power, authority, and discretion to determine from time to time and
65 term to term the manner of calling the dockets, fixing calendars, and order of business in
66 such courts. They may assign to one of such judges the hearing of trials by jury for a term
67 and the hearing of all other matters not requiring a trial by jury to the other judges, and they
68 may rotate such order of business at the next term. They may conduct trials by jury at the
69 same time in the same county or otherwise within such circuit, or they may hear chambers
70 business and motion business at the same time at any place within such circuit. They may
71 provide in all respects for holding the superior courts of such circuit so as to facilitate the
72 hearing and determination of all the business of such courts at any time pending and ready
73 for trial or hearing. In all such matters relating to the fixing, arranging for, and disposing of
74 the business of such courts and making appointments as authorized by law where the judges
75 thereof cannot agree or shall differ, the opinion or order of the chief judge 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 five judges of the superior courts of the Clayton 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 Clayton Judicial Circuit may bear teste in the name of any judge of the
89 Clayton 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 Clayton 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 (a) For purposes of making the initial appointment of the judge to fill the superior court
106 judgeship created by this Act, this Act shall become effective upon its approval by the
107 Governor or upon its becoming law without such approval.
108 (b) For all other purposes, this Act shall become effective on July 1, 2016.

109 **SECTION 14.**

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