

House Bill 804 (COMMITTEE SUBSTITUTE)

By: Representatives Mabra of the 63<sup>rd</sup>, Glanton of the 75<sup>th</sup>, Douglas of the 78<sup>th</sup>, Scott of the 76<sup>th</sup>, Stovall of the 74<sup>th</sup>, 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 provide for the manner of impaneling jurors; to provide for an additional court  
8 reporter for such circuit; to authorize the governing authority of the counties that comprise  
9 the Clayton Judicial Circuit to provide facilities, office space, supplies, equipment, and  
10 personnel for such judges; to declare inherent authority; to provide for related matters; to  
11 provide for an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of  
15 judges of superior courts, is amended by revising paragraph (10) as follows:

16 "(10) Clayton Circuit ..... 4 5"

17 SECTION 2.

18 One additional judge of the superior courts is added to the Clayton Judicial Circuit, thereby  
19 increasing to five the number of judges of said circuit.

20 SECTION 3.

21 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2016,  
22 and continuing through December 31, 2018, and until his or her successor is elected and  
23 qualified. His or her successor shall be elected in the manner provided by law for the  
24 election of judges of the superior courts of this state at the nonpartisan judicial election

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

30 **SECTION 4.**

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

36 **SECTION 5.**

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

44 **SECTION 6.**

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

52 **SECTION 7.**

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

58 **SECTION 8.**

59 The five judges of the superior courts of the Clayton Judicial Circuit shall be authorized and  
60 empowered to appoint an additional court reporter for such circuit, whose compensation shall  
61 be as now or hereafter provided by law.

62 **SECTION 9.**

63 All writs, processes, orders, subpoenas, and any other official paper issuing out of the  
64 superior courts of the Clayton Judicial Circuit may bear teste in the name of any judge of the  
65 Clayton Judicial Circuit and, when issued by and in the name of any judge of such circuit,  
66 shall be fully valid and may be heard and determined before the same or any other judge of  
67 such circuit. Any judge of such circuit may preside over any case therein and perform any  
68 official act as judge thereof.

69 **SECTION 10.**

70 Upon request of any judge of the circuit, the governing authorities of the counties comprising  
71 the Clayton Judicial Circuit shall be authorized to furnish the judges of such circuit with  
72 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,  
73 supplies, and such personnel as may be considered necessary by the court to the proper  
74 function of the court. All of the expenditures authorized in this Act are declared to be an  
75 expense of the court and payable out of the county treasury as such.

76 **SECTION 11.**

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

80 **SECTION 12.**

81 (a) For purposes of making the initial appointment of the judge to fill the superior court  
82 judgeship created by this Act, this Act shall become effective upon its approval by the  
83 Governor or upon its becoming law without such approval.

84 (b) For all other purposes, this Act shall become effective on July 1, 2016.

85 **SECTION 13.**

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