

The House Committee on Judiciary offers the following substitute to HB 138:

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 Northeastern Judicial Circuit; to provide for the appointment of such additional judge
4 by the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to declare inherent authority; to provide for related
6 matters; to provide a contingent effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
11 judges of superior courts, is amended by revising paragraph (26) as follows:

12 "(26) Northeastern Circuit 4 5"

13 SECTION 2.

14 One additional judge of the superior courts is added to the Northeastern Judicial Circuit,
15 thereby increasing to five the number of judges of said circuit.

16 SECTION 3.

17 Said additional judge shall be appointed by the Governor for a term continuing through
18 December 31, 2020, and until his or her successor is elected and qualified. His or her
19 successor shall be elected in the manner provided by law for the election of judges of the
20 superior courts of this state at the nonpartisan judicial election in 2020, for a term of four
21 years beginning on January 1, 2021, and until his or her successor is elected and qualified.
22 Future successors shall be elected at the nonpartisan judicial election each four years after
23 such election for terms of four years and until their successors are elected and qualified.
24 They shall take office on the first day of January following the date of the election.

25 **SECTION 4.**

26 The additional judge of the superior courts of the Northeastern Judicial Circuit shall have and
27 may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the
28 present judges of the superior courts of this state. The new judge is authorized to employ
29 court personnel on the same basis as other judges of the Northeastern Judicial Circuit.

30 **SECTION 5.**

31 Except as expressly stated, nothing in this Act shall be construed to alter or repeal any
32 provision of any local Act relating to the Northeastern Judicial Circuit. Nothing in this Act
33 shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of
34 superior court judges provided by the Constitution and statutes of the State of Georgia.

35 **SECTION 6.**

36 This Act shall become effective on January 1, 2018, provided that state funds have been
37 appropriated for the additional judgeship provided for by this Act.

38 **SECTION 7.**

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