

SENATE SUBSTITUTE TO HB 88:

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
 2 revise the qualifications for superior and state court judges; to provide for the vacation of  
 3 such offices under certain circumstances; to provide for the selection of chief judge of the  
 4 superior court for each judicial circuit; to provide for a term of office; to provide for related  
 5 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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 8 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 9 Code Section 15-6-4, relating to qualifications of superior court judges, as follows:

10 "15-6-4.

11 (a) No person individual shall be judge of the superior courts unless, at the time of his or  
 12 her election, he or she has attained the age of 30 years, has been a citizen of the state for  
 13 three years, has practiced law for seven years, and is a member in good standing with the  
 14 State Bar of Georgia and has been duly reinstated to the practice of law in the event of his  
 15 or her disbarment therefrom.

16 (b) The office of any superior court judge shall be vacated upon the disbarment or  
 17 suspension from the practice of law of such judge by the Supreme Court whether voluntary  
 18 or involuntary and upon order of the Supreme Court providing for such removal from  
 19 office."

**SECTION 2.**

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

21 "15-6-37.

22 (a) For each judicial circuit with two or more superior court judges, the chief superior  
 23 court judge may be elected by a majority vote of such sitting superior court judges for such  
 24

25 judicial circuit upon the agreement of a majority of the sitting superior court judges of such  
 26 judicial circuit.

27 (b) The position of chief superior court judge elected pursuant to this Code section shall  
 28 be elected every two years with no limitation on the number of terms an individual may  
 29 serve as chief superior court judge.

30 (c) This Code section shall apply to each judicial circuit notwithstanding any local or  
 31 general Act that provides for the selection or election of a chief superior court judge in a  
 32 different manner."

### 33 SECTION 3.

34 Said title is further amended by revising Code Section 15-7-21, relating to qualifications,  
 35 restrictions on practice of law, and removal, discipline, and involuntary retirement of judges  
 36 of the state court, as follows:

37 "15-7-21.

38 (a)(1) Except as provided in paragraph (2) of this subsection, each judge of the state  
 39 court shall ~~be~~:

40 (A) Be a resident of the geographic area in which he or she is selected to serve, ~~shall~~  
 41 ~~have~~;

42 (B) Have been a resident of the state for three years next preceding the beginning of  
 43 his or her term of office, ~~shall as of such date~~;

44 (C) As of the date on which his or her term of office begins, be at least 25 years of age;  
 45 ~~and shall have~~;

46 (D) Have been admitted to practice law for seven years; ~~and~~

47 (E) Be a member in good standing with the State Bar of Georgia and have been duly  
 48 reinstated to the practice of law in the event of his or her disbarment therefrom.

49 (2) If, at the expiration of the qualifying period for the general nonpartisan primary or  
 50 any special election, no candidate meeting the requirements of paragraph (1) of this  
 51 subsection has qualified, then the county election superintendent shall reopen qualifying  
 52 for a period of 15 days, and any ~~person~~ individual may qualify who: (A) will have been  
 53 for three years next preceding the beginning of the term of office a resident of the  
 54 superior court judicial circuit containing the geographic area in which the judge is to  
 55 serve; and (B) meets all requirements, other than the residency requirement specified in  
 56 subparagraph (A) of paragraph (1) of this subsection, for eligibility for nomination and  
 57 election to the office of state court judge. If such ~~person~~ individual is elected to the office  
 58 of state court judge, ~~such person~~ he or she may thereafter qualify for reelection to such  
 59 office as long as ~~such person~~ he or she continues to reside within the judicial circuit

60 containing the geographic area in which the judge is to serve and otherwise meets the  
61 requirements of paragraph (1) of this subsection.

62 (b) A full-time judge of the state court ~~may~~ shall not engage in the private practice of law.  
63 A part-time judge of the state court may engage in the private practice of law in other  
64 courts but may not practice in his or her own court or appear in any matter as to which that  
65 judge has exercised any jurisdiction.

66 (c) Judges of the state courts shall be subject to discipline, removal, and involuntary  
67 retirement pursuant to Article VI, Section VII, Paragraphs VI and VII of the Constitution  
68 of the State of Georgia.

69 (d) The office of any judge of the state court shall be vacated upon the disbarment or  
70 suspension from the practice of law of such judge by the Supreme Court whether voluntary  
71 or involuntary and upon order of the Supreme Court providing for such removal from  
72 office."

73 **SECTION 4.**

74 Section 2 of this Act shall become effective on July 1, 2018. The remaining sections shall  
75 become effective on July 1, 2017.

76 **SECTION 5.**

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