

House Bill 709

By: Representatives Jones of the 91<sup>st</sup>, Carter of the 92<sup>nd</sup>, Kirby of the 114<sup>th</sup>, Dickerson of the 113<sup>th</sup>, Stephenson of the 90<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the State Court of Rockdale County, approved April 2, 1987 (Ga.  
2 L. 1987, p. 5452), as amended, particularly by an Act approved May 18, 2007 (Ga. L. 2007,  
3 p. 3837), so as to provide an additional judge for said court; to provide for the election of  
4 such additional judge of said court; to revise inaccurate references; to provide effective dates;  
5 to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the State Court of Rockdale County, approved April 2, 1987 (Ga. L. 1987,  
9 p. 5452), as amended, particularly by an Act approved May 18, 2007 (Ga. L. 2007, p. 3837),  
10 is amended by revising subsections (b) and (c) of Section 3 as follows:

11 "(b) In all criminal cases, each judge of said court shall be the judge of both questions of  
12 fact and of law unless the person subject to be tried shall, before pleading to the charge  
13 against him or her, or the state shall demand a jury trial. There shall be no trial by jury in  
14 said court unless demanded by the person charged or by the state. Upon either such timely  
15 demand being made, such person shall be tried by a jury as is hereinafter provided.

16 (c) In all civil cases, each judge shall be the judge of all questions of fact and law unless  
17 either party to such proceeding shall, before the time expires for filing defensive pleadings,  
18 file a written demand for a jury trial. Upon such demand being timely filed, the case shall  
19 be tried by a jury as hereinafter provided unless such demand for trial by jury is withdrawn  
20 before the call of the case for trial. When a demand for trial by jury is filed, the same shall  
21 not be withdrawn without the consent of the opposite party."

22 **SECTION 2.**

23 Said Act is further amended by revising subsection (b) of Section 10 as follows:

24 "(b) For the trial of any case in the Superior Court of Rockdale County or the State Court  
25 of Rockdale County requiring the use of jurors, a jury pool is created. Jurors may be

26 selected as prescribed by law by either the judges of the Superior Court of Rockdale  
27 County or the judges of the State Court of Rockdale County to appear to be sworn and  
28 serve as jurors before either court. When both the superior court and state court are in  
29 session on the same date, either court may use as jurors persons who are summoned to  
30 appear to serve as jurors by virtue of the authority of either court."

31 **SECTION 3.**

32 Said Act is further amended by revising Section 11 as follows:

33 **"Section 11.** (a) There shall be a chief judge, who shall be the judge of the State Court of  
34 Rockdale County serving at the time of the effective date of this act and an additional  
35 associate judge of said court who each shall be elected by the qualified voters of Rockdale  
36 County, Georgia, as provided by Chapter 7 of Title 15 of the O.C.G.A.; provided, however,  
37 that the initial associate judge to serve in such additional judgeship shall be elected in the  
38 manner provided by law for the election of judges of the state courts of this state at the  
39 general election in November, 2018, for a term of four years and until his or her successor  
40 shall have been elected and qualified and shall take office on the first day of January  
41 immediately following such judge's election. The judge of said court in office on the  
42 effective date of this Act shall continue to serve the remainder of the term of office to  
43 which he or she was elected and until his or her successor is elected and qualified. Future  
44 successors shall be elected at the general election conducted immediately prior to the  
45 expiration of the term of office. They shall take office on the first day of January following  
46 their election and shall serve for a term of office of four years and until their successor is  
47 duly elected and qualified.

48 (b) Each judge of said court shall have such qualifications and shall be subject to such  
49 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. Each judge  
50 of said court shall be vested with all the power and authority of judges of the superior  
51 courts as to all matters, except as are exclusively conferred upon the judges of the superior  
52 courts by the Constitution and laws of this state.

53 (c) The state court judges of Rockdale County shall each receive an annual salary equal  
54 to 92.5 percent of the annual salary of a superior court judge in Rockdale County. For  
55 purposes of this section, the annual salary of a superior court judge in Rockdale County  
56 shall be the annual sum of that salary paid from state funds and any local supplement paid  
57 by Rockdale County.

58 (1) The annual salary of each state court judge as calculated in accordance with this  
59 subsection shall be payable in equal monthly installments from the funds of Rockdale  
60 County.

61 (2) Each state court judge shall be authorized to participate in the Group Retirement  
62 Program, the Group Hospitalization Benefit Program, and any similar or related plan or  
63 program on the same basis as other officers and employees of Rockdale County if he or  
64 she meets the normal eligibility requirements of the plans or programs."

65 **SECTION 4.**

66 Said Act is further amended by revising Section 15 as follows:

67 **"Section 15.** Either judge of the State Court of Rockdale County may appoint an official  
68 stenographer for said court who shall report such cases as the court may require. Any such  
69 appointed stenographer shall receive the same fees as allowed for similar services in the  
70 superior court, which shall be taxed and enforced as in the superior court."

71 **SECTION 5.**

72 (a) The provisions of this Act necessary for the general election in November, 2018, as  
73 provided in Section 3 of this Act shall become effective upon its approval by the Governor  
74 or upon its becoming law without such approval.

75 (b) For all other purposes, this Act shall become effective on January 1, 2019.

76 **SECTION 6.**

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