

House Bill 786 (COMMITTEE SUBSTITUTE)

By: Representatives Welch of the 110th, Douglas of the 78th, Rutledge of the 109th, Holly of the 111th, Mathiak of the 73rd, 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 an additional judge of the superior
3 courts of the Flint 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 require candidates for such judgeships to designate the seat for which they are running; to
6 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
7 allowance of such judge to be paid by the State of Georgia and the county included in such
8 circuit; to prescribe the qualifications, powers, and duties of the chief judge; to provide for
9 the division and allocation of the work and duties of the judges of such circuit; to provide for
10 the manner of impaneling jurors; to provide for an additional court reporter for such circuit;
11 to authorize the governing authority of the county included in such circuit to provide
12 facilities, office space, supplies, equipment, and personnel for such judges; to declare
13 inherent authority; to provide for related matters; to provide for effective dates; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 SECTION 1.

17 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
18 judges of superior courts, is amended by revising paragraph (18) as follows:

19 "(18) Flint Circuit 3 4"

20 SECTION 2.

21 The additional judge of the superior courts of the Flint Judicial Circuit provided for in this
22 Act shall be appointed by the Governor for a term beginning January 1, 2021, and expiring
23 December 31, 2022, and until a successor is elected and qualified. At the nonpartisan
24 judicial election to be held in 2022, there shall be elected a successor to the first additional
25 judge appointed as provided for above, and he or she shall take office on the first day of

26 January, 2023, and serve for a term of office of four years and until a successor is duly
27 elected and qualified. All subsequent successors to such judge shall be elected at the
28 nonpartisan judicial election conducted in the year in which the term of office shall expire
29 for a term of four years and until his or her successor is duly elected and qualified. Such
30 judges shall take office on the first day of January following the date of their election. Such
31 elections shall be held and conducted as is now or may hereafter be provided by law for the
32 election of judges of the superior courts of the State of Georgia.

33 **SECTION 3.**

34 Every person who offers for election as one of the judges of such superior courts of the Flint
35 Judicial Circuit shall designate with the proper authority in all general elections the specific
36 seat for which such person offers by naming the incumbent judge whom he or she desires to
37 succeed and thereupon such person shall be permitted, if otherwise qualified, to run for such
38 designated judgeship and no other. In the event that there is no incumbent judge in the seat
39 for which such person desires to offer, the person shall qualify by announcing his or her
40 intention to run for the office for which there is no incumbent.

41 **SECTION 4.**

42 The additional judge of the superior courts of the Flint Judicial Circuit provided for in this
43 Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
44 immunities of the present judges of the superior courts of this state. Any of the judges of
45 such courts may preside over any cause, whether in their own or in other circuits, and
46 perform any official act as judge thereof, including sitting on appellate courts as provided by
47 law.

48 **SECTION 5.**

49 The qualifications of such additional judge and his or her successors shall be the same as are
50 now provided by law for all other superior court judges, and his or her compensation, salary,
51 and expense allowance from the State of Georgia and from the county of such circuit shall
52 be the same as that of other judges of the superior courts of the Flint Judicial Circuit. The
53 salary supplements enacted by the county of such circuit for the present superior court judges
54 of such circuit shall also be applicable to the additional judge provided by this Act.

55 **SECTION 6.**

56 All writs and processes in the superior courts of the Flint Judicial Circuit shall be returnable
57 to the terms of such superior courts as they are now fixed and provided by law, or as they
58 may hereafter be fixed or determined by law, and all terms of such courts shall be held in the

59 same manner as though there were but one judge, it being the intent and purpose of this Act
60 to provide the four judges of such circuit with equal jurisdiction and authority to attend to
61 and perform the functions, powers, and duties of the judges of such superior courts and to
62 direct and conduct all hearings and trials in such courts.

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SECTION 7.

64 The judge of such superior courts who has seniority with regard to length of continuous
65 service as a superior court judge shall be the chief judge of the Flint Judicial Circuit. Such
66 chief judge shall be responsible for the administration and expeditious disposition of the
67 business of the superior courts of such circuit, both civil and criminal, and shall have power
68 to make such rules as he or she shall deem necessary or proper for such purpose but not in
69 conflict with the general laws of this state, which rules, when approved by such chief judge
70 and filed in the office of the clerk of the superior court of the county within the Flint Judicial
71 Circuit, shall be binding upon the other judge or judges of such circuit. The chief judge shall
72 be vested with the power to make all appointments whenever the law provides for a superior
73 court judge to make appointments. Such chief judge may by published rule, or from time to
74 time by order, allocate the jurisdiction and powers of the superior courts of said circuit and
75 the duties of the judges thereof; may assign to the other judges of said circuit such business
76 of said circuit as the chief judge shall deem appropriate; may make and publish calendars,
77 both civil and criminal; may require reports from the clerks of court of said circuit and from
78 other judges of said circuit relative to business of the courts; and generally shall supervise
79 and direct the disposition of all business, both civil and criminal, of such courts.

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SECTION 8.

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

86

SECTION 9.

87 The chief judge of the Flint Judicial Circuit shall be authorized to employ an additional court
88 reporter for such duties and for such compensation as the chief judge sees fit, up to and
89 including, but not exceeding, the remuneration of the present court reporters of the Flint
90 Judicial Circuit, as the same is now fixed or may hereafter be fixed by law. The additional
91 judge shall have the right to select and approve the individual to fill said position, and said
92 court reporter shall be assigned to him or her. However, the chief judge, under the provisions

93 of Section 5 of this Act, shall be authorized to assign temporarily said court reporter to other
94 duties in order to equalize the workload and when the business of the courts shall require the
95 same.

96 **SECTION 10.**

97 All writs, processes, orders, subpoenas, and any other official papers issued from the superior
98 courts of the Flint Judicial Circuit may bear teste in the name of any judge of such circuit
99 and, when issued by and in the name of any judge of such circuit, shall be fully valid and
100 may be held and determined before the same or any other judge of such circuit. Any judge
101 of such courts may preside over any cause therein and perform any official act as judge
102 thereof.

103 **SECTION 11.**

104 The governing authority of the county included in the Flint Judicial Circuit shall provide the
105 judges of such circuit with suitable courtrooms and facilities, office space, telephones,
106 furniture, office equipment, supplies, and such personnel as may be considered necessary to
107 the proper functioning of the courts. All of the expenditures authorized in this Act are
108 declared to be an expense of the court and payable out of the county treasury as such.

109 **SECTION 12.**

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

113 **SECTION 13.**

114 This Act shall become effective for the purpose of appointing the additional judge upon its
115 approval by the Governor or upon its becoming law without such approval and for all other
116 purposes on January 1, 2021.

117 **SECTION 14.**

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