

House Bill 1119

By: Representatives Gullett of the 19th, Gravley of the 67th, Momtahan of the 17th, and Alexander of the 66th

A BILL TO BE ENTITLED
AN ACT

1 To create the State Court of Paulding County; to specify the location of the court and provide
2 for facilities therefor; to provide for jurisdiction, powers, practice, and procedure; to provide
3 for terms of court; to specify business hours of the court; to specify costs and fees; to provide
4 for transfer of certain matters from the Superior Court of Paulding County; to provide for
5 institution of criminal cases; to provide for appeals; to provide for selection, number, and
6 compensation of jurors; to provide for appointment, election, qualifications, and terms of
7 office of a judge of the court; to provide for restrictions and discipline of such judge and
8 powers and duties thereof; to provide for the appointment, election, qualifications, and terms
9 of office of a solicitor-general of the court and the powers and duties thereof; to provide for
10 a clerk and sheriff of the court and the duties thereof; to provide compensation for the judge,
11 solicitor-general, and other officers and staff of the court; to provide for a judge pro hac vice
12 and an official court stenographer; to provide for expenses for the court; to provide for
13 related matters; to provide for a referendum, effective dates, and automatic repeal; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Effective July 1, 2022, there is created the State Court of Paulding County which shall have
18 the power, jurisdiction, and method of procedure as provided by Chapter 7 of Title 15 of the
19 O.C.G.A.

20 **SECTION 2.**

21 The State Court of Paulding County shall be located in the county site of Paulding County
22 in facilities provided by the governing authority of Paulding County.

23 **SECTION 3.**

24 The State Court of Paulding County shall have such rules of practice and procedure as
25 provided by Chapter 7 of Title 15 of the O.C.G.A. or by rules promulgated by the Supreme
26 Court of Georgia.

27 **SECTION 4.**

28 The State Court of Paulding County shall have quarterly terms beginning on the second
29 Monday of January, April, July, and October in the county site of Paulding County, and such
30 terms shall remain open for the transaction of business until the next succeeding term. If the
31 date fixed for the convening of any term is a legal holiday, then that term shall begin on the
32 next day thereafter which is not a legal holiday. Such court shall at all times be open for the
33 purpose of receiving pleas of guilty in criminal cases and passing sentence thereon and for
34 the transaction of civil business before the court.

35 **SECTION 5.**

36 The clerk of the state court shall be required to keep his or her office open the same hours
37 for business as the clerk of the superior court.

38 **SECTION 6.**

39 The clerk of the state court shall be entitled to charge and collect the same fees as the clerk
40 of the superior court is entitled to charge and collect for the same or similar services. All
41 such fees shall be paid into the county treasury, except those sums which are directed by law
42 to be paid otherwise.

43 **SECTION 7.**

44 All misdemeanor criminal cases pending in the Superior Court of Paulding County, the
45 Probate Court of Paulding County, and the Magistrate Court of Paulding County on
46 July 1, 2022, shall be transferred to the State Court of Paulding County on such date and
47 shall thereafter stand for trial in such state court as though originally filed therein.

48 **SECTION 8.**

49 All prosecutions in criminal cases instituted in the State Court of Paulding County shall be
50 by written accusation, uniform traffic citation, or summons as provided for by Code
51 Section 17-7-71 of the O.C.G.A.

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SECTION 9.

53 Any cases tried in the State Court of Paulding County shall be subject to review by the Court
54 of Appeals or the Supreme Court of Georgia, whichever court has jurisdiction, in the same
55 manner and under the same rules of appellate procedure as apply to cases in the superior
56 court.

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SECTION 10.

58 (a) Traverse jurors shall be drawn, selected, chosen, and summoned for service in the State
59 Court of Paulding County from the same jury list and from the same jury box and in the same
60 manner as is done in the superior court. Jurors in such state court shall receive the same per
61 diem compensation for service therein as in the Superior Court of Paulding County and shall
62 be paid by Paulding County in the same manner and out of like funds as jurors are paid in
63 the superior court.

64 (b) The jury for the trial of all civil cases tried in the State Court of Paulding County shall
65 be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.
66 Peremptory strikes in civil cases shall be exercised in the manner prescribed in Chapter 12
67 of Title 15 of the O.C.G.A.

68 (c) The jury for the trial of all criminal cases tried in the State Court of Paulding County
69 shall be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.
70 Peremptory strikes in criminal cases shall be exercised in the manner prescribed in
71 Chapter 12 of Title 15 of the O.C.G.A.

72

SECTION 11.

73 (a) There shall be a judge of the State Court of Paulding County who shall be elected by the
74 qualified voters of Paulding County at the state-wide nonpartisan general election in 2024,
75 shall take office the first day of January immediately following such election, and shall serve
76 for a term of office of four years and until the election and qualification of a successor, as
77 provided by Chapter 7 of Title 15 and Title 21 of the O.C.G.A.; provided, however, that the
78 first judge shall be appointed by the Governor for a term of office beginning July 1, 2022,
79 and ending January 1, 2025, and until the election and qualification of a successor.

80 (b) The judge of such court shall have such qualifications and shall be subject to such
81 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. He or she
82 shall be vested with all the power and authority of the judges of the state courts by Chapter 7
83 of Title 15 of the O.C.G.A.

84 (c) The judge shall be a full-time judge, shall be paid an annual salary in an amount equal
85 to 90 percent of the state salary for judges of the superior court not including any local
86 supplements, and shall receive all legally required benefits. Such salary shall be payable out

87 of the funds of Paulding County at the same intervals as installments are paid to other county
88 employees. The governing authority of Paulding County may supplement such judge's
89 salary.

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SECTION 12.

91 (a) There shall be a solicitor-general of the State Court of Paulding County who shall be
92 elected by the qualified voters of Paulding County at the state-wide general election in
93 November, 2022, shall take office the first day of January immediately following such
94 election, and shall serve for a term of office of four years and until the election and
95 qualification of a successor, as provided by Article 3 of Chapter 18 of Title 15 and Title 21
96 of the O.C.G.A.; provided, however, that the first solicitor-general shall be appointed by the
97 Governor for a term of office beginning July 1, 2022, and ending January 1, 2023, and until
98 the election and qualification of a successor.

99 (b) The solicitor-general of such court shall have such qualifications as provided in Article 3
100 of Chapter 18 of Title 15 of the O.C.G.A. and shall be a full-time solicitor-general of such
101 court.

102 (c) The solicitor-general shall be paid an annual salary equal to 85 percent of the salary of
103 the state court judge, not including any local supplements, and shall receive all legally
104 required benefits. Such salary shall be payable out of the funds of Paulding County at the
105 same intervals as installments are paid to other county employees.

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SECTION 13.

107 (a) The clerk of the Superior Court of Paulding County shall, by virtue of his or her office,
108 be the clerk of the State Court of Paulding County, and the sheriff of such county shall
109 likewise be the sheriff of such state court. The clerk shall provide all the necessary dockets,
110 writs, minute books, printed forms, and the like as will be necessary for such state court
111 which shall be paid for by Paulding County in like manner as such items in the superior
112 court.

113 (b) The number and salaries of any necessary additional support staff for the clerk of the
114 superior court and the sheriff of Paulding County required to serve the State Court of
115 Paulding County shall be set by the Paulding County Board of Commissioners.

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SECTION 14.

117 In the event the judge of the State Court of Paulding County is unable to preside in the court
118 or is disqualified for any reason, then the judge may appoint a judge pro hac vice to serve in
119 his or her absence. Such judge pro hac vice shall meet the same qualifications as the judge
120 of the State Court of Paulding County.

121 **SECTION 15.**

122 The judge of the State Court of Paulding County may appoint an official stenographer for
 123 such court who shall report such cases as the court may require. He or she shall receive the
 124 same fees as allowed for similar services in the superior court which shall be taxed and
 125 enforced as in the superior court.

126 **SECTION 16.**

127 The judge and solicitor-general of the State Court of Paulding County shall make application
 128 to the Paulding County Board of Commissioners for the provision of necessary and
 129 reasonable expenses incurred by them in the operation of the court.

130 **SECTION 17.**

131 The election superintendent of Paulding County shall call and conduct an election as
 132 provided in this section for the purpose of submitting this Act to the electors of Paulding
 133 County for approval or rejection. The election superintendent shall conduct that election on
 134 the Tuesday after the first Monday in November, 2020, and shall issue the call and conduct
 135 that election as provided by general law. The election superintendent shall cause the date and
 136 purpose of the election to be published once a week for two weeks immediately preceding
 137 the date thereof in the official organ of Paulding County. The ballot shall have written or
 138 printed thereon the words:

139 "() YES Shall the Act creating the State Court of Paulding County be
 140 () NO approved?"

141 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 142 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 143 such question are for approval of the Act, Sections 1 through 16 of this Act shall become of
 144 full force and effect on July 1, 2022; provided, however, that for purposes of making the
 145 initial appointments of the state court judge and solicitor-general elected by this Act, this Act
 146 shall become effective on January 1, 2021. If the Act is not so approved or if the election is
 147 not conducted as provided in this section, Sections 1 through 16 of this Act shall not become
 148 effective, and this Act shall be automatically repealed on the first day of January immediately
 149 following that election date. The expense of such election shall be borne by Paulding
 150 County. It shall be the election superintendent's duty to certify the result thereof to the
 151 Secretary of State.

152 **SECTION 18.**

153 Except as otherwise provided in Section 17 of this Act, this Act shall become effective upon
154 its approval by the Governor or upon its becoming law without such approval.

155 **SECTION 19.**

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