

Senate Bill 249

By: Senators Anderson of the 43rd and Jones II of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To create a new judicial circuit for the State of Georgia, to be known as the Newton Judicial
2 Circuit and to be composed of Newton County; to provide for the judges and the district
3 attorney of said new circuit and their terms, selection, and compensation; to transfer certain
4 judges from the Alcovy Judicial Circuit to the Newton Judicial Circuit; to provide for chief
5 judge of the Newton Judicial Circuit; to provide for the transfer of proceedings and
6 litigations; to provide for the employment of staff for the circuit; to provide for the transfer
7 of certain funds from the Alcovy Judicial Circuit to the Newton Judicial Circuit; to provide
8 for and allocate circuit-wide costs and expenditures; to provide for senior or retired judges;
9 to conform the county salary supplements for the judges of the Alcovy Judicial Circuit; to
10 amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating
11 to general provisions regarding the superior courts, so as to revise the composition and terms
12 of court of the Alcovy Judicial Circuit; to provide for the composition, terms of court, and
13 number of judges of the Newton Judicial Circuit; to provide for related matters; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Effective July 1, 2021, there is created a new judicial circuit of the superior courts of this state to be known as the Newton Judicial Circuit, which circuit shall be composed of Newton County. There shall be a district attorney and three judges of the Newton Judicial Circuit. The offices of the district attorney and judges of the Newton Judicial Circuit shall be subject to the following provisions:

(1) The district attorney of the Newton Judicial Circuit shall be appointed by the Governor for a term beginning July 1, 2021, and expiring December 31, 2022. A successor to the district attorney so appointed shall be elected by the voters of the Newton Judicial Circuit at the 2022 general election, and at the general election quadrennially thereafter, for a term of four years. A candidate for appointment or election to this office in 2021 and thereafter shall be a resident of Newton County;

(2) The Honorable Cheveda D. McCamy, the Honorable Layla Zon, and the Honorable W. Kendall Wynne, Jr., currently judges of the Alcovy Judicial Circuit and residents of Newton County, shall become judges of the Newton Judicial Circuit. Each judge, respectively, shall serve out the current term of office for which he or she was selected, and his or her successor shall be elected by the voters of the Newton Judicial Circuit at the nonpartisan judicial election next preceding the expiration of their term of office, and at the nonpartisan judicial election quadrennially thereafter, for a term of four years. A candidate for election to these offices shall be a resident of Newton County; and

(3) The active judge who is senior in time of service shall serve as chief judge of the Newton Judicial Circuit.

SECTION 1-2.

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Newton County at such time as it was a part of the Alcovy Judicial Circuit, including all complaints, pleadings, petitions, indictments, special presentments, summonses, processes, motions, writs, and mesne and final proceedings, together with all books and records of any kind or character belonging to or issued, returnable, filed, pending, or commenced in such county, shall relate to, become a part of, and be transferred to the Newton Judicial Circuit and its jurisdiction.

SECTION 1-3.

In addition to the salary and expenses paid from state funds, and notwithstanding any other provision of law, each judge of the superior court of the Newton Judicial Circuit shall receive from the funds of Newton County an additional supplement to such salary and expenses in an amount equal to the aggregate total of additional supplements to the salary and expenses of the judges of the Alcovy Judicial Circuit then in effect and paid by the counties of the Alcovy Judicial Circuit on January 1, 2021.

SECTION 1-4.

In addition to the salary and expenses paid from state funds, and notwithstanding any other provision of law, the district attorney of the Newton Judicial Circuit shall receive from the funds of Newton County an additional supplement to such salary and expenses equal to the aggregate total of additional supplements to the salary and expenses of the district attorney of the Alcovy Judicial Circuit then in effect and paid by the counties of the Alcovy Judicial Circuit on January 1, 2021.

SECTION 1-5.

The governing authority of Newton County shall be authorized, but not required, to authorize the employment of assistant district attorneys, deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel, and other employees or independent contractors, as authorized under Code Section 15-18-20 of the Official Code of Georgia Annotated.

SECTION 1-6.

(a) Effective upon the creation of the Newton Judicial Circuit, the Alcovy Judicial Circuit shall transfer to the Newton Judicial Circuit the sum equal to 25 percent of the amount it holds as of January 1, 2021, for costs collected pursuant to Code Section 15-23-7 of the Official Code of Georgia Annotated for court connected or court referred alternative dispute resolution programs.

(b) Effective upon the creation of the Newton Judicial Circuit, the district attorney of the Alcovy Judicial Circuit shall transfer to the district attorney of the Newton Judicial Circuit the sum equal to the amount he or she holds as of January 1, 2021, that was secured pursuant to condemnation or forfeiture actions from criminal cases that originated from a violation of law in Newton County.

PART II**SECTION 2-1.**

Effective upon the creation of the Newton Judicial Circuit, the judges of the Alcovy Judicial Circuit shall be composed of the two remaining judges of the Alcovy Judicial Circuit, namely, the Honorable John Ott and the Honorable Jeffrey L. Foster, and their successors. Each judge, respectively, shall serve out the current term of office for which he was selected, and their successors shall be elected by the voters of the Alcovy Judicial Circuit at the

85 nonpartisan judicial election next preceding the expiration of their term of office, and at the
86 nonpartisan judicial election quadrennially thereafter, for a term of four years. A candidate
87 for election to these offices shall be a resident of Walton County.

88 **SECTION 2-2.**

89 Effective upon the creation of the Newton Judicial Circuit, the district attorney of the Alcovy
90 Judicial Circuit shall be the Honorable Randy McFinley, who is serving on an interim basis,
91 and his successor. Mr. McFinley shall serve out his current term of office for which he was
92 selected, and his successor shall be elected by the voters of the Alcovy Judicial Circuit at the
93 nonpartisan judicial election next preceding the expiration of their term of office, and at the
94 nonpartisan judicial election quadrennially thereafter, for a term of four years. A candidate
95 for election to this office shall be a resident of Walton County.

96 **SECTION 2-3.**

97 In addition to the salary and expenses paid from state funds, and notwithstanding any other
98 provision of law, each judge of the superior court of the Alcovy Judicial Circuit shall receive
99 from the funds of Walton County an additional supplement equal to the amount of the
100 additional supplement to the salary and expenses of the judges of the Alcovy Judicial Circuit
101 then in effect and paid by Newton County and Walton County on January 1, 2021.

102 **SECTION 2-4.**

103 In addition to the salary and expenses paid from state funds, the district attorney of the
104 Alcovy Judicial Circuit shall receive from the funds of Walton County an additional
105 supplement equal to the amount of the additional supplement to the salary and expenses of
106 the district attorney of the Alcovy Judicial Circuit then in effect and paid by Newton County
107 and Walton County on January 1, 2021.

PART III**SECTION 3-1.**

Senior or retired judges of the Alcovy Judicial Circuit who, as of June 30, 2021, receive a retirement supplement or have been paid a retirement supplement from Newton County or Walton County shall continue to receive such supplements from such counties in the same amounts and in the same ratios as such supplements are paid as of June 30, 2021.

SECTION 3-2.

Any judge of the Alcovy Judicial Circuit who is in active service as of July 1, 2021, or who shall be appointed or elected as a judge of the Alcovy Judicial Circuit on or after July 1, 2021, shall, upon his or her retirement from active service and eligibility for retirement payments under a State of Georgia retirement system, receive a retirement supplement from the county or counties that comprise the Alcovy Judicial Circuit as of the date such judge discontinues active service. Such retirement supplement shall be in an amount equal to the percentage that his or her State of Georgia retirement payments are to his or her last salary from the State of Georgia as an active judge of the Alcovy Judicial Circuit, multiplied by the aggregate county salary supplement then paid to active judges as of the date of such judge's retirement from active service.

SECTION 3-3.

Any judge of the Newton Judicial Circuit who is in active service as of July 1, 2021, or who shall be appointed or elected as a judge of the Newton Judicial Circuit after July 1, 2021, shall, upon his or her retirement from active service and eligibility for retirement payments under a State of Georgia retirement system, receive a retirement supplement from Newton County as of the date such judge discontinues active service. Such retirement supplement shall be in an amount equal to the percentage that his or her State of Georgia retirement

132 payments are to his or her last salary from the State of Georgia as an active judge of the
 133 Newton Judicial Circuit, multiplied by the aggregate county salary supplement then paid to
 134 active judges as of the date of such judge's retirement from active service.

135 **PART IV**

136 **SECTION 4-1.**

137 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
 138 general provisions regarding superior courts, is amended by revising paragraph (2) of, and
 139 adding a new paragraph to, Code Section 15-6-1, relating to composition of judicial circuits,
 140 as follows:

141 ~~"(2) Alcovy Judicial Circuit, composed of the Counties County of Newton and Walton;"~~

142 "(25.1) Newton Judicial Circuit, composed of the County of Newton;"

143 **SECTION 4-2.**

144 Said article is further amended by revising paragraph (2) of, and adding a new paragraph to,
 145 Code Section 15-6-2, relating to number of superior court judges, to read as follows:

146 ~~"(2) Alcovy Circuit 5 2"~~

147 "(25.1) Newton Circuit 3"

148 **SECTION 4-3.**

149 Said article is further amended by revising paragraph (2) of, and adding a new paragraph to,
 150 Code Section 15-6-3, relating to terms of court, as follows:

151 **"(2) Alcovy Circuit:**

152 ~~(A) Newton County — Second and third Mondays in January, April, July, and~~

153 ~~October.~~

154 ~~(B)~~ Walton County — First and second Mondays in February, May, August, and
155 November."

156 "(25.1) **Newton Circuit:**

157 Newton County — Second and third Mondays in January, April, July, and October."

158 **PART V**

159 **SECTION 5-1.**

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