

Senate Bill 634

By: Senator Harbison of the 15th

A BILL TO BE ENTITLED
AN ACT

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

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Effective July 1, 2022, there is created a new judicial circuit of the superior courts of this state to be known as the Muscogee Judicial Circuit, which circuit shall be composed of Muscogee County. There shall be a district attorney and six judges of the Muscogee Judicial Circuit. The offices of the judges and district attorney of the Muscogee Judicial Circuit shall be subject to the following provisions:

(1) The district attorney of the Muscogee Judicial Circuit shall be appointed by the Governor for a term beginning July 1, 2022, and expiring December 31, 2022. A successor to the district attorney so appointed shall be elected by the voters of the Muscogee 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 2022 or thereafter shall be a resident of Muscogee County;

(2) The Honorable Maureen Gottfried, the Honorable Benjamin A. Land, the Honorable Ron Mullins, the Honorable Bobby G. Peters, the Honorable William C. Rumer, and the Honorable Arthur L. Smith III, currently judges of the Chattahoochee Judicial Circuit and residents of Muscogee County, or his or her successor, respectively, shall become judges of the Muscogee Judicial Circuit. Each judge, respectively, shall serve out their current term of office for which he or she was selected, and his or her successor shall be elected by the voters of the Muscogee 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 Muscogee County; and

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

SECTION 1-2.

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Muscogee County at such time as it was a part of the Chattahoochee 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 Muscogee 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 Muscogee Judicial Circuit shall receive from the funds of Muscogee 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 Chattahoochee Judicial Circuit then in effect and paid by the counties of the Chattahoochee Judicial Circuit on January 1, 2022.

SECTION 1-4.

In addition to the salary and expenses paid from state funds, the district attorney of the Muscogee Judicial Circuit shall receive from the funds of Muscogee 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 Chattahoochee Judicial Circuit then in effect and paid by the counties of the Chattahoochee Judicial Circuit on January 1, 2022.

SECTION 1-5.

The governing authority of Muscogee 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 with the creation of the Muscogee Judicial Circuit, the Chattahoochee Judicial Circuit shall transfer to the Muscogee Judicial Circuit the sum equal to 25 percent of the amount it holds as of January 1, 2022, 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 with the creation of the Muscogee Judicial Circuit, the district attorney of the Chattahoochee Judicial Circuit shall pay over to the district attorney of the Muscogee Judicial Circuit the sum equal to the amount he or she holds as of January 1, 2022, that was secured pursuant to condemnation or forfeiture actions from criminal cases that originated from a violation of law in Muscogee County.

SECTION 1-7.

All staffing for all judicial circuits referenced herein shall be governed pursuant to Code Section 15-18-28.

PART II**SECTION 2-1.**

Effective with the creation of the Muscogee Judicial Circuit, the judge of the Chattahoochee Judicial Circuit shall be composed of the one remaining judge of the Chattahoochee Judicial Circuit, namely, the Honorable Gil McBride, and his successors. Such judge shall serve out his current term of office for which he was selected, and his successor shall be elected by the voters of the Chattahoochee 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 this office shall be a resident of Chattahoochee County, Harris County, Marion County, Talbot County, or Taylor County.

SECTION 2-1A.

Effective upon the creation of the Muscogee Judicial Circuit, the district attorney of the Chattahoochee Judicial Circuit shall be the Honorable Sheneka J. Terry and her successors. Such district attorney shall serve out her current term of office for which she was elected, and her successor shall be elected by the voters of the Chattahoochee Judicial Circuit at the general election next preceding the expiration of his term of office, and at the general election quadrennially thereafter, for a term of four years. A candidate for election to this office shall be a resident of Chattahoochee County, Harris County, Marion County, Talbot County, or Taylor County.

SECTION 2-2.

(a) Except as provided for under Sections 2-3 and 2-4 of this Act:

(1) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee Judicial Circuit shall be paid by Chattahoochee County;

(2) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee Judicial Circuit shall be paid by Harris County;

(3) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee Judicial Circuit shall be paid by Marion County;

(4) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee Judicial Circuit shall be paid by Talbot County; and

(5) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee Judicial Circuit shall be paid by Taylor County.

(b) The percentages provided for under subsection (a) of this section may be revised by an agreement in writing executed among the governing authorities of Chattahoochee County, Harris County, Marion County, Talbot County, and Taylor County.

SECTION 2-3.

(a) 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 Chattahoochee Judicial Circuit shall receive from the funds of Chattahoochee County, Harris County, Marion County, Talbot County, and Taylor County additional supplements in proportions provided for under subsection (b) of this section.

(b)(1) Chattahoochee County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Chattahoochee County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

(2) Harris County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Harris County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

(3) Marion County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Marion County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

(4) Talbot County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Talbot County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

(5) Taylor County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Taylor County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

SECTION 2-4.

157

158 (a) In addition to the salary and expenses paid from state funds, the district attorney of the
159 Chattahoochee Judicial Circuit shall receive from the funds of Chattahoochee County, Harris
160 County, Marion County, Talbot County, and Taylor County an additional supplement in
161 proportions provided for under subsection (b) of this section.

162 (b)(1) Chattahoochee County shall pay an additional supplement equal to:

163 (A) The amount of the additional supplement to the salary and expenses of the district
164 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Chattahoochee
165 County on January 1, 2022; and

166 (B) Twenty percent of the additional supplement to the salary and expenses of the
167 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
168 Muscogee County on January 1, 2022.

169 (2) Harris County shall pay an additional supplement equal to:

170 (A) The amount of the additional supplement to the salary and expenses of the district
171 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Harris County
172 on January 1, 2022; and

173 (B) Twenty percent of the additional supplement to the salary and expenses of the
174 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
175 Muscogee County on January 1, 2022.

176 (3) Marion County shall pay an additional supplement equal to:

177 (A) The amount of the additional supplement to the salary and expenses of the district
178 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Marion County
179 on January 1, 2022; and

180 (B) Twenty percent of the additional supplement to the salary and expenses of the
181 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
182 Muscogee County on January 1, 2022.

183 (4) Talbot County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the district attorney of the Chattahoochee Judicial Circuit then in effect and paid by Talbot County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the district attorney of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

(5) Taylor County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the district attorney of the Chattahoochee Judicial Circuit then in effect and paid by Taylor County on January 1, 2022; and

(B) Twenty percent of the additional supplement to the salary and expenses of the district attorney of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee County on January 1, 2022.

PART III

SECTION 3-1.

Senior or retired judges of the Chattahoochee Judicial Circuit who, as of June 30, 2022, receive a retirement supplement or have been paid a retirement supplement from Muscogee County, Chattahoochee County, Harris County, Marion County, Talbot County, and Taylor 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, 2022.

SECTION 3-2.

Any judge of the Chattahoochee Judicial Circuit who is in active service as of July 1, 2022, or who shall be appointed or elected as a judge of the Chattahoochee Judicial Circuit on or after July 1, 2022, shall, upon his or her retirement from active service and eligibility for

208 retirement payments under a State of Georgia retirement system, receive a retirement
209 supplement from the county or counties that comprise the Chattahoochee Judicial Circuit as
210 of the date such judge discontinues active service. Such retirement supplement shall be in
211 an amount equal to the percentage that his or her State of Georgia retirement payments are
212 to his or her last salary from the State of Georgia as an active judge of the Chattahoochee
213 Judicial Circuit, multiplied by the aggregate county salary supplement then paid to active
214 judges as of the date of such judge's retirement from active service.

215 **SECTION 3-3.**

216 Any judge of the Muscogee Judicial Circuit who is in active service as of July 1, 2022, or
217 who shall be appointed or elected as a judge of the Muscogee Judicial Circuit after
218 July 1, 2022, shall, upon his or her retirement from active service and eligibility for
219 retirement payments under a State of Georgia retirement system, receive a retirement
220 supplement from the county or counties that comprise the Muscogee Judicial Circuit as of
221 the date such judge discontinues active service. Such retirement supplement shall be in an
222 amount equal to the percentage that his or her State of Georgia retirement payments are to
223 his or her last salary from the State of Georgia as an active judge of the Muscogee Judicial
224 Circuit, multiplied by the aggregate county salary supplement then paid to active judges as
225 of the date of such judge's retirement from active service.

226 **SECTION 3-4.**

227 Any retirement supplements due under this part by a judicial circuit made up of more than
228 one county shall be paid in the same proportions as those counties divide the payment of
229 salary supplements to active judges of that judicial circuit.

PART IV

SECTION 4-1.

Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding superior courts, is amended by revising paragraph (8) of, and adding a new paragraph to, Code Section 15-6-1, relating to composition of judicial circuits, as follows:

"(8) Chattahoochee Judicial Circuit, composed of the Counties of Chattahoochee, Harris, Marion, ~~Muscogee~~, Talbot, and Taylor;"

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

SECTION 4-2.

Said article is further amended by revising paragraph (8) of, and adding a new paragraph to, Code Section 15-6-2, relating to number of superior court judges, to read as follows:

"(8) Chattahoochee Circuit 7 1"

"(25.1) Muscogee Circuit 6"

SECTION 4-3.

Said article is further amended by revising paragraph (8) of, and adding a new paragraph to, Code Section 15-6-3, relating to terms of court, as follows:

"(8) **Chattahoochee Circuit:**

(A) Chattahoochee County — Fourth Monday in March and September.

(B) Harris County — Second Monday in January, May, and September.

(C) Marion County — Fourth Monday in April and October.

~~(D) Muscogee County — First Monday in February, April, June, August, October, and December.~~

253 ~~(F)~~ (D) Talbot County — Second Monday in March and November and third Monday
254 in August.

255 ~~(F)~~ (E) Taylor County — Second Monday in February, June, and October."

256 "(25.1) **Muscogee Circuit:**

257 Muscogee County — First Monday in February, April, June, August, October, and
258 December."

259 **PART V**

260 **SECTION 5-1.**

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