

The House Committee on Judiciary offers the following substitute to HB 906:

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 a third judge of the superior courts
3 of the Tifton Judicial Circuit; to provide for the appointment of such additional judge by the
4 Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court
9 reporter for such circuit; to authorize the governing authority of the counties comprising the
10 Tifton Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel
11 for such judges; to declare inherent authority; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
16 judges of superior courts, is amended by revising paragraph (39) as follows:

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40 and expense allowance from the State of Georgia and from the counties comprising the
41 Tifton Judicial Circuit shall be the same as are now provided by law for the other superior
42 court judges of such circuit. The provisions, if any, enacted for the supplementation by the
43 counties of such circuit of the salary of the judges of the superior courts of the Tifton Judicial
44 Circuit shall also be applicable to the additional judge provided for by this Act.

45 **SECTION 6.**

46 All writs and processes in the superior courts of the Tifton Judicial Circuit shall be returnable
47 to the terms of such superior courts as they are now fixed and provided by law, or as they
48 may hereafter be fixed or determined by law, and all terms of such courts shall be held in the
49 same manner as though there were but one judge, it being the intent and purpose of this Act
50 to provide three judges equal in jurisdiction and authority to attend and perform the
51 functions, powers, and duties of the judges of such superior courts and to direct and conduct
52 all hearings and trials in such courts.

53 **SECTION 7.**

54 Upon and after qualification of the additional judge of the superior courts of the Tifton
55 Judicial Circuit, the three judges of such circuit may adopt, promulgate, amend, and enforce
56 such rules of practice and procedure in consonance with the Constitution and laws of the
57 State of Georgia as they deem suitable and proper for the effective transaction of the business
58 of the court; and, in transacting the business of the court and in performing their duties and
59 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
60 each. In the event of a disagreement among the judges in respect hereof, the decision of a
61 majority shall control, or, in the absence of a majority, the decision of the chief judge shall
62 be controlling. The three judges of the superior courts of the Tifton Judicial Circuit shall
63 have and are clothed with full power, authority, and discretion to determine from time to time
64 and term to term the manner of calling the dockets, fixing the calendars, and order of

65 business in such courts. They may assign to one such judge the hearing of trials by jury for
66 a term and the hearing of all other matters not requiring a trial by jury to the other judges, and
67 they may rotate such order of business at the next term. They may conduct trials by jury at
68 the same time in the same county or otherwise within such circuit, or they may hear
69 chambers business and motion business at the same time at any place within such circuit.
70 They may provide in all respects for holding the superior courts of such circuit so as to
71 facilitate the hearing and determination of all the business of such courts at any time pending
72 and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and
73 disposing of the business of such courts and making appointments as authorized by law
74 where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge
75 as provided for in this Act shall control.

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SECTION 8.

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

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SECTION 9.

83 The three judges of the superior courts of the Tifton Judicial Circuit shall be authorized and
84 empowered to appoint an additional court reporter for such circuit, whose compensation shall
85 be as now or hereafter provided by law.

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SECTION 10.

87 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
88 superior courts of the Tifton Judicial Circuit may bear teste in the name of any judge of the

89 Tifton Judicial Circuit and, when issued by and in the name of any judge of such circuit, shall
90 be fully valid and may be heard and determined before the same or any other judge of such
91 circuit. Any judge of such circuit may preside over any case therein and perform any official
92 act as judge thereof.

93 **SECTION 11.**

94 Upon request of any judge of the circuit, the governing authorities of the counties comprising
95 the Tifton Judicial Circuit shall be authorized to furnish the judges of such circuit with
96 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
97 supplies, and such personnel as may be considered necessary by the court to the proper
98 functioning of the court. All of the expenditures authorized in this Act are declared to be an
99 expense of the court and payable out of the county treasury as such.

100 **SECTION 12.**

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

104 **SECTION 13.**

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