

Senate Bill 356

By: Senators Murphy of the 27th, Cowsert of the 46th, Hamrick of the 30th, Mullis of the 53rd, Miller of the 49th 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 superior court judges for each judicial circuit, so as to provide for an additional
3 judge of the Bell-Forsyth Judicial Circuit; to provide for the initial appointment of such judge
4 by the Governor; to provide for the election and term of office of such judge; to provide for
5 the compensation, salary, and expense allowance of such judge to be paid by the State of
6 Georgia and the county comprising the judicial circuit; to provide for jurors; to authorize the
7 judges of the circuit to divide and allocate the work and duties thereof and provide for the
8 duties of the chief judge and presiding judges; to provide for powers, duties, and
9 responsibilities of judges of said circuit; to provide for additional court reporters and
10 personnel and the compensation of such reporters and personnel; to declare inherent
11 authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
15 superior court judges for each judicial circuit, is amended by revising paragraphs (5.1) as
16 follows:

17 "(5.1) Bell-Forsyth Circuit 2 3"

18 SECTION 2.

19 A new judge of the superior court is added to the Bell-Forsyth Judicial Circuit, thereby
20 increasing to three the number of judges of said circuit.

21 SECTION 3.

22 The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall be
23 appointed by the Governor for a term beginning January 1, 2013, and expiring December 31,
24 2014, and until his or her successor is elected and qualified. His or her successor shall be

25 elected in the manner provided by law for the election of judges of the superior courts of this
26 state at the nonpartisan judicial election in 2014, for a term of four years beginning on
27 January 1, 2015, and until his or her successor is elected and qualified. Future successors
28 shall be elected at the nonpartisan judicial election each four years after such election for
29 terms of four years and until their successors are elected and qualified. They shall take office
30 on the first day of January following the date of the election.

31 **SECTION 4.**

32 The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall have and
33 may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
34 present judges of the superior courts of this state. Any of the judges of said court may
35 preside over any cause, whether in their own or in other circuits, and perform any official act
36 as judge thereof, including sitting on appellate courts as provided by law.

37 **SECTION 5.**

38 The chief judge of the Bell-Forsyth Judicial Circuit shall be the judge who has the most
39 experience as a sitting judge of a superior court in the State of Georgia. The three judges of
40 said court may adopt, promulgate, amend, and enforce such rules of practice and procedure
41 in consonance with the Constitution and laws of the State of Georgia as they deem suitable
42 and proper for the effective transaction of the business of the court; and, in transacting the
43 business of the court and in performing their duties and responsibilities, they shall share,
44 divide, and allocate the work and duties to be performed by each. In the event of a
45 disagreement between the judges as to the operation of the superior court, the decision of the
46 chief judge shall control. The chief judge shall be the presiding judge of the court, in whom
47 is vested the power to make all appointments whenever the law provides for the superior
48 court judge to make appointments.

49 **SECTION 6.**

50 The qualifications of such additional judge and his or her successors shall be the same as are
51 now provided by law for all other superior court judges. The additional judge's
52 compensation, salary, and expense allowance from the State of Georgia and from Forsyth
53 County shall be the same as are now provided by law for all other superior court judges. The
54 provisions, if any, enacted for the supplementation by Forsyth County of the salary of the
55 judges of the superior court of the Bell-Forsyth Judicial Circuit shall also be applicable to the
56 additional judge provided for by this Act.

57 **SECTION 7.**

58 All writs, processes, orders, subpoenas, and any other official papers issuing out of the
59 superior court of the Bell-Forsyth Judicial Circuit may bear teste in the name of any judge
60 of said circuit and, when issued by and in the name of any of said judges of said circuit, shall
61 be fully valid and may be held and determined before any judge of said circuit. All writs and
62 processes in the superior court of the Bell-Forsyth Judicial Circuit shall be returnable to the
63 terms of said superior court as they are now fixed and provided by law, or as they may
64 hereafter be fixed or determined by law, and all terms of said courts shall be held in the same
65 manner as though there were but one judge.

66 **SECTION 8.**

67 The choosing of all jurors, whether grand or trial, may be by any of the judges of the superior
68 court of said circuit; and any such judge of the superior court of said circuit shall have full
69 power and authority to choose jurors for service in said court so as to have jurors for the trial
70 of cases before each of said judges separately or before each of them at the same time.

71 **SECTION 9.**

72 The three judges of the superior court of the Bell-Forsyth Judicial Circuit shall be authorized
73 to employ an additional court reporter for such duties and for such compensation as such
74 judges see fit, up to and including, but not exceeding, the remuneration of the present court
75 reporters of the Bell-Forsyth Judicial Circuit as the same is now fixed or may hereafter be
76 fixed. The additional judge shall be authorized to employ other court personnel on the same
77 basis as other judges of the Bell-Forsyth Judicial Circuit.

78 **SECTION 10.**

79 The governing authority of the county comprising the Bell-Forsyth Judicial Circuit is
80 authorized to provide suitable courtrooms, jury rooms, and chambers for the judges of the
81 superior court of the Bell-Forsyth Judicial Circuit upon the recommendation of said judges.

82 **SECTION 11.**

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

86

SECTION 12.

87 (a) For purposes of making the initial appointments of the judges to fill the superior court
88 judgeships created by this Act, this Act shall become effective upon its approval by the
89 Governor or its becoming law without such approval.

90 (b) For all other purposes, this Act shall become effective on January 1, 2013.

91

SECTION 13.

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