

Senate Bill 165

By: Senators McKoon of the 29th and Harbison of the 15th

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 Chattahoochee Judicial Circuit; to provide for the initial appointment of such
4 judge by the Governor; to provide for the election and term of office of such judge; to
5 provide for powers, duties, and responsibilities of such judge and the judges of said circuit;
6 to amend an Act entitled "An Act to amend Code Section 15-6-2 of the Official Code of
7 Georgia Annotated, relating to the superior courts, so as to provide for additional judges of
8 the Atlanta Judicial Circuit, the Bell-Forsyth Judicial Circuit, the Chattahoochee Judicial
9 Circuit, the Cobb Judicial Circuit, the Tallapoosa Judicial Circuit, and the Towaliga Judicial
10 Circuit," approved March 27, 2000 (Ga. L. 2000, p. 205), so as to change the method of
11 selection of the chief judge of the Chattahoochee Judicial Circuit; to provide for the duties
12 of the chief judge and presiding judge of said circuit; to provide effective dates; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 PART I.

16 SECTION 1-1.

17 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
18 superior court judges for each judicial circuit, is amended by revising paragraph (8) as
19 follows:

20 "(8) Chattahoochee Circuit 67"

21 SECTION 1-2.

22 A new judge of the superior court is added to the Chattahoochee Judicial Circuit, thereby
23 increasing to seven the number of judges of said circuit.

24 **SECTION 1-3.**

25 The initial judge appointed as provided by this Act shall be appointed by the Governor for
26 a term beginning July 1, 2013, and expiring December 31, 2014, and until a successor is
27 elected and qualified. A successor to the initial judge shall be elected in a manner provided
28 by Code Section 21-2-138 of the Official Code of Georgia Annotated for the election of
29 judges of the superior courts of this state in 2014 for a term of four years beginning on
30 January 1, 2015, and until the election and qualification of a successor. Future successors
31 shall be elected each four years thereafter as provided by Code Section 21-2-138 of the
32 Official Code of Georgia Annotated for terms of four years and until the election and
33 qualification of a successor. They shall take office on the first day of January following the
34 date of the election. Such elections shall be held and conducted in a manner provided by law
35 for the election of judges of the superior courts of this state.

36 **SECTION 1-4.**

37 Said additional judge shall have and may exercise all powers, duties, dignity, jurisdiction,
38 privileges, and immunities of the present judges of the superior courts of this state. Any of
39 the judges of the superior court of said circuit may preside over any case therein and perform
40 any official act as judge thereof.

41 **PART II.**

42 **SECTION 2-1.**

43 An Act entitled "An Act to amend Code Section 15-6-2 of the Official Code of Georgia
44 Annotated, relating to the superior courts, so as to provide for additional judges of the
45 Atlanta Judicial Circuit, the Bell-Forsyth Judicial Circuit, the Chattahoochee Judicial Circuit,
46 the Cobb Judicial Circuit, the Tallapoosa Judicial Circuit, and the Towaliga Judicial Circuit,"
47 approved March 27, 2000 (Ga. L. 2000, p. 205), is amended by revising Sections 16 and 17
48 as follows:

49 **"SECTION 16.**

50 The judges of said circuit in transacting the business of the superior courts of said circuit and
51 in performing their duties and responsibilities shall share, divide, and allocate the work and
52 duties to be performed by each of them. In the event of disagreement between said judges
53 in respect to the aforesaid, the decision of the chief judge shall be controlling.

54 **SECTION 17.**

55 The chief judge of said circuit shall be elected by majority vote of the judges of said court.
56 In the event no person obtains a majority vote, the chief judge shall be the judge who has the

57 most experience as a sitting judge of a superior court in the State of Georgia. The term for
58 a chief judge shall be two years, a person may be elected to successive terms, and a person
59 shall serve until a successor is provided for pursuant to this section. The chief judge shall
60 be the presiding judge of the court, in whom is vested the power to make all appointments
61 whenever the law provides for the superior court judge to make appointments, except as
62 herein provided."

63 **PART III.**

64 **SECTION 3-1.**

- 65 (a) For purposes of making the initial appointment of the judge to fill the superior court
66 judgeship created by Part I of this Act, this Act shall become effective upon its approval
67 by the Governor or its becoming law without such approval.
- 68 (b) For all other purposes, this Act shall become effective on July 1, 2013.

69 **SECTION 3-2.**

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