

House Bill 1816 (AS PASSED HOUSE AND SENATE)

By: Representative Holland of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To create the State Court of Turner County; to specify the location of the court and provide
2 facilities therefore; to provide for jurisdiction, powers, practice, and procedure; to provide
3 for terms of court; to provide for case transfers from superior and probate courts; to provide
4 for method of case institution; to provide for state court judge and method of election and
5 appointment; to provide for qualifications of said state court judge; to provide for type of said
6 state court judge and compensation; to provide for courtroom and office space and facilities,
7 equipment, supplies, and personnel and the funding for such; to provide for judicial
8 assistance; to provide for solicitor-general and method of election and appointment; to
9 provide for qualifications of said solicitor-general; to provide for type of said
10 solicitor-general and compensation; to provide for courtroom and office space and facilities,
11 equipment, supplies, and personnel and the funding for such; to provide for clerk and sheriff
12 of said court and compensation; to provide for personnel, equipment, supplies, and materials
13 for clerk and sheriff for proper functioning of said state court; to provide for juror matters;
14 to provide effective dates; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Effective July 1, 2002, there is created the State Court of Turner County which shall have the
18 power, jurisdiction, and such rules of practice, pleading, procedure, evidence, execution and
19 enforcement of judgments, appellate practice and procedure, and any other matters as
20 provided by Chapter 7 of Title 15 of the O.C.G.A.

21 **SECTION 2.**

22 The State Court of Turner County shall be located in the county site of Turner County in
23 facilities provided by the governing authority of Turner County and shall have territorial
24 jurisdiction coextensive with the limits of said county.

SECTION 3.

The State Court of Turner County shall have terms of court per year, which shall be held at the same exact times as for Turner County within the Tifton Judicial Circuit, in the county site of Turner County and such terms shall remain open for the transaction of business until the next succeeding term. If the date fixed for the convening of any term is a legal holiday, then that term shall begin on the next business day thereafter which is not a legal holiday. Said court shall at all times be open for the purpose of receiving pleas of guilty in criminal cases and passing sentence thereon and for the transaction of civil business before the court. The State Court of Turner County shall be entitled to use the Courtroom of the Turner County Courthouse and the court offices therein at all times not in conflict with the use of said facilities by the Superior Court of Turner County, Georgia.

SECTION 4.

(a) Any cases of a civil nature pending in the superior courts of the Tifton Judicial Circuit on July, 2002, or thereafter, of which the State Court of Turner County has jurisdiction may be transferred by the judge of the superior court to the State Court of Turner County by consent of counsel of all parties and consent of the judge of the State Court of Turner County and, having received all required consent, all parties shall thereafter stand for trial in said state court as though originally filed therein.

(b) Any cases of a criminal nature pending in the superior courts of the Tifton Judicial Circuit on July 1, 2002, or thereafter, of which the State Court of Turner County has jurisdiction may be transferred by the judge of the superior court to the State Court of Turner County by consent of the district attorney of said circuit and by consent of the judge of the State Court of Turner County and, having received all required consent, all parties shall thereafter stand for trial in said state court as though originally filed therein.

(c) The Probate Court of Turner County as of July 1, 2002 is divested of any jurisdiction over traffic cases in Turner County, Georgia. Any cases pending in the Probate Court of Turner County on July 1, 2002, or thereafter, of which the State Court of Turner County has jurisdiction and of which the probate court is divested of jurisdiction pursuant to this Act shall be immediately transferred by the judge of the probate court to the State Court of Turner County and all parties shall thereafter stand for trial in said state court as though originally filed therein.

SECTION 5.

All prosecutions in criminal cases instituted in the State Court of Turner County shall be by written accusation, uniform traffic citation, or summons as provided for by Code Section 17-7-71 of the O.C.G.A.

SECTION 6.

There shall be a judge of the State Court of Turner County who shall be elected by the qualified voters of Turner County, Georgia, in a nonpartisan election to be held and conducted jointly with the general primary in 2004 and quadrennially thereafter in the manner provided by law for the election of judges of the state courts of this state, whereupon this state court judge thus elected shall serve a four-year term commencing January 1 of the next year after the election, and until such judge's successor is elected and qualified; provided, however, that the first judge of the State Court of Turner County shall be appointed by the Governor for a term of office beginning July 1, 2002, and ending December 31, 2004.

SECTION 7.

The judge of the State Court of Turner County shall have such qualifications, shall be vested with all of the power and authority, and shall be subject to such restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. The judge shall be authorized to adopt local rules not inconsistent with general laws on rules applicable to the superior courts.

SECTION 8.

The judge shall be a part-time judge within the meaning of Chapter 7 of Title 15 of the O.C.G.A. and shall be paid an annual salary equal to 40 percent of the salary now or hereafter paid to superior court judges. Said salary, which may also be supplemented by the governing authority of Turner County, shall be payable out of the funds of Turner County at the same intervals as installments are paid to other county employees. This amount of compensation shall be increased by multiplying said amounts by the percentage which equals 5 percent times the number of completed four-year terms of office served by any judge following December 31, 2004, effective the first day of January following the completion of each such period of service.

SECTION 9.

The governing authority of Turner County shall furnish the judge of the State Court of Turner County suitable courtroom space and facilities, a copy of the Official Code of Georgia Annotated and annual supplements to the Code to keep it current, office space, office equipment, computer equipment and programs, supplies, educational expenses and travel expenses, secretarial expenses, and such personnel as may be considered necessary by the judge to the proper functioning of the court. All of the expenditures authorized herein are declared to be an expense of said court and payable out of the county treasury as such. Such expenses may be paid directly or reimbursed to the judge. In addition to such expenses, the judge shall be entitled to an annual expense allowance, payable in monthly installments,

1 in an amount equal to the expense allowance provided for members of the General Assembly
2 pursuant to Official Code of Georgia Section 45-7-4(a)(22)(C) and as may hereafter be
3 provided.

4 **SECTION 10.**

5 In the event that the judge of the State Court of Turner County is unable to preside in court
6 for any reason, is disqualified for any reason, or needs assistance for any reason then said
7 judge may avail himself or herself of support as provided by Chapters 1 and 7 of Title 15 of
8 the O.C.G.A. or may appoint a judge pro hac vice, who shall meet the same qualifications
9 as said state court judge, to serve in his or her absence.

10 **SECTION 11.**

11 There shall be a solicitor-general of the State Court of Turner County who shall be elected
12 by the qualified voters of Turner County, Georgia, in a nonpartisan election to be held and
13 conducted jointly with the general primary in 2004 and quadrennially thereafter in the
14 manner provided by law for the election of solicitor generals of the state courts of this state,
15 whereupon this state court solicitor general thus elected shall serve a four-year term
16 commencing January 1 of the next year after the election, and until such officer's successor
17 is elected and qualified; provided, however, that the first solicitor general shall be appointed
18 by the Governor of the State of Georgia for a term of office beginning July 1, 2002, and
19 ending December 31, 2004. The solicitor shall be subject to the same residency provisions
20 as the judge of the State Court of Turner County.

21 **SECTION 12.**

22 The solicitor-general of said court shall have such qualifications, shall be vested with all of
23 the power and authority and shall be subject to such restrictions and discipline as provided
24 in Article 3 of Chapter 18 of Title 15 of the O.C.G.A.

25 **SECTION 13.**

26 The solicitor-general shall be a part-time solicitor-general within the meaning of Chapter 18
27 of Title 15 of the O.C.G.A., and he or she shall be paid an annual salary equal to 40 percent
28 of the salary now or hereafter paid to district attorneys. Said salary, which may also be
29 supplemented by the governing authority of Turner County, shall be payable out of the funds
30 of Turner County at the same intervals as installments are paid to other county employees.
31 The salary of said solicitor-general shall be an expense of said court and payable out of the
32 county treasury as such. This amount of compensation shall be increased by multiplying said
33 amounts by the percentage which equals 5 percent times the number of completed four-year

terms of office served by any solicitor general following December 31, 2004, effective the first day of January following the completion of each such period of service.

SECTION 14.

The governing authority of Turner County shall furnish the solicitor-general of the State Court of Turner County suitable courtroom space and facilities, a copy of the Official Code of Georgia Annotated and annual supplements to the Code to keep it current, office space, office equipment, computer equipment and programs, materials, supplies, educational expenses and travel expenses, secretarial expenses, and such personnel as may be considered necessary by the judge to the proper functioning of the court. All of the expenditures authorized herein are declared to be an expense of said court and payable out of the county treasury as such. Such expenses may be paid directly or reimbursed to the solicitor. In addition to such expenses, the solicitor shall be entitled to an annual expense allowance, payable in monthly installments, in an amount equal to the expense allowance provided for members of the General Assembly pursuant to Official Code of Georgia Section 45-7-4(a)(22)(C) and as may hereafter be provided.

SECTION 15.

The clerk of the Superior Court of Turner County shall be, by virtue of his or her office and authority bestowed by Chapters 6 and 7 of Title 15 of the O.C.G.A., the clerk of the State Court of Turner County and the sheriff of Turner County shall be, by virtue of his or her office and authority bestowed by Chapter 16 of Title 15 of the O.C.G.A., the sheriff of said state court; and each shall, on behalf of the county and as an expense of court, receive compensation for services in said court as entitled to by Chapters 6, 7, and 16, respectively, of Title 15 of the O.C.G.A.; provided, however, that the minimum such compensation for the clerk and the sheriff shall be \$300.00 per month, which shall be in addition to any other supplement. The clerk of said state court shall have all authority bestowed upon him or her by Chapters 6 and 7 of Title 15 of the O.C.G.A. The clerk shall also supply all of the necessary personnel, equipment, supplies, and materials for the proper functioning of said state court, and the sheriff shall, likewise, do the same. All of the expenditures authorized herein are declared to be an expense of said court and payable out of the county treasury as such; provided, however, that the judge of the State Court of Turner County may appoint a person other than the clerk of superior court in lieu of the clerk of superior court by order of the court who shall have all the powers, duties, and compensation as if the clerk of superior court acted in said capacity.

SECTION 16.

Juror matters will be dealt with as provided in Chapter 7 of Title 15 of the O.C.G.A. In any case in which a jury trial is desired, a demand for a jury trial shall be filed. In addition, for the trial of any case in the Superior Court of Turner County or the State Court of Turner County requiring the use of jurors, a jury pool is created. Jurors may be selected as prescribed by law by either the judges of the Superior Court of Turner County or of the State Court of Turner County to appear to be sworn and serve as jurors before their respective courts only, unless the jurors are drawn pursuant to the provisions of subsection (b) of Code Section 15-12-130 of the O.C.G.A. When there are not sufficient contested jury cases, or there are no demands for a jury trial for cases pending in any term, the judge of the State Court of Turner County, in his or her own discretion, may omit the drawing of a jury for any term of said court; however, this will not prohibit said judge from having a nonjury calendar during any term of court at which said judge omits having jury cases.

SECTION 17.

(a) The governing authority of Turner County is authorized to contract with the governing authority of any municipality within Turner County for the county to furnish municipal court services to the municipality as authorized by Article 5 of Chapter 7 of Title 15 of the O.C.G.A.; and the governing authorities of such municipalities are likewise authorized to enter into such contracts with the governing authority of Turner County.

(b) Any contract entered into pursuant to this section shall provide that the county shall furnish municipal court services to the municipality through the officers, employees, and facilities of the state court of the county. Any contract may provide for an additional supplement to the salaries of the judge and the solicitor and reimbursement of costs to the county. Any contract so entered into shall not become effective unless it is approved by the state court judge then in office; and no such contract shall extend beyond the term of the judge then in office.

(c) When acting as officers of the municipal court all judge and other officers of the state court shall be styled as judge and officers of the municipal court; and all pleadings, process, and papers of the municipal court shall be styled as such and not as pleadings, process, and papers of the state court. The dockets and other records of the municipal court shall be kept separately from those of the state court.

(d) Any limitations upon the punishment which may be imposed for violations of municipal ordinances which are contained in the charter of the municipality shall continue to control in municipal courts operated under this article, and if no such limitation exists the maximum punishment imposed shall not exceed a fine of \$1,000.00 or six months' imprisonment or both, unless some other general law authorizes greater punishment. Other charter provisions

1 not in conflict with this section shall continue to apply in municipal courts operated under
2 this Act.

3 **SECTION 18.**

4 The judge of the State Court of Turner County, the solicitor general of the State Court of
5 Turner County, and their office personnel shall be authorized to participate in any
6 employment benefit package available to any other employees of Turner County, Georgia,
7 upon such terms and conditions as applicable to other employees of Turner County, Georgia.

8 **SECTION 19.**

9 This Act shall become effective on July 1, 2002.

10 **SECTION 20.**

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