House Bill 1163 (AS PASSED HOUSE AND SENATE)

By: Representatives Lane of the 167th, Keen of the 179th, Williams of the 178th, Hill of the 180th, Roberts of the 154th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the courts of the Alcovy, Atlanta, and Brunswick judicial circuits; to provide for the initial appointment of such judges by the Governor; to provide for the election and term of office of each such judge; to provide for the compensation, salary, and expense allowance of said judges to be paid by the State of Georgia and the counties comprising the respective judicial circuits; to provide for jurors; to authorize the judges of said circuits to divide and allocate the work and duties thereof and provide for the duties of the chief judges and presiding judges; to provide for powers, duties, and responsibilities of judges of said circuit; to provide for additional court reporters and personnel and the compensation of such reporters and personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by revising paragraphs (2), (3), and (7) as follows:

″(2) Alcovy Circuit . . . . . ~~4~~ 5″

″(3) Atlanta Circuit . . . . . ~~19~~ 20″

″(7) Brunswick Circuit . . . . . ~~4~~ 5″

PART II

SECTION 2-1.

A new judge of the superior court is added to the Alcovy Judicial Circuit, thereby increasing to five the number of judges of said circuit.

SECTION 2-2.

The additional judge of the superior courts of the Alcovy Judicial Circuit shall be appointed by the Governor for a term beginning July 1, 2009, and expiring December 31, 2010, and until his or her successor is elected and qualified. At the general election to be held in 2010, there shall be elected a successor to the first additional judge appointed as provided for in this Act, and he or she shall take office on the first day of January, 2011, and serve for a term of office of four years and until his or her successor is duly elected and qualified. All subsequent successors to such judge shall be elected at the general election conducted in the year in which the term of office shall expire for a term of four years and until his or her successor is duly elected and qualified. Said elections shall be held and conducted as is now or may hereafter be provided by law for the election of judges of the superior courts of the State of Georgia.

SECTION 2-3.

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

SECTION 2-4.

The compensation, salary, and contingent expense allowance of said additional judge of the superior courts of the Alcovy Judicial Circuit shall be the same as that of other judges of the superior courts of Georgia. The additional judge shall also be paid a county supplement by the counties comprising said circuit in the same manner and to the same extent as the present superior court judges of said circuit are paid.

SECTION 2-5.

All writs, processes, orders, subpoenas, and any other official papers issuing out of the superior courts of the Alcovy Judicial Circuit may bear teste in the name of any judge of said

circuit and, when issued by and in the name of any of said judges of said circuit, shall be fully valid and may be held and determined before any judge of said circuit.

SECTION 2-6.

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

SECTION 2-7.

The five judges of the superior courts of the Alcovy Judicial Circuit shall be authorized to employ an additional court reporter for such duties and for such compensation as such judges see fit, up to and including, but not exceeding, the remuneration of the present court reporters of the Alcovy Judicial Circuit as the same is now fixed or may hereafter be fixed.

SECTION 2-8.

The governing authorities of the counties comprising the Alcovy Judicial Circuit are authorized to provide suitable courtrooms, jury rooms, and chambers for the judges of the superior courts of the Alcovy Judicial Circuit upon the recommendation of said judges.

PART III

SECTION 3-1.

A new judge of the superior court is added to the Atlanta Judicial Circuit, thereby increasing to 20 the number of judges of said circuit.

SECTION 3-2.

The additional judge of the Atlanta Judicial Circuit appointed pursuant to this Act shall be appointed by the Governor for a term beginning July 1, 2009, and expiring December 31, 2010, and until a successor is elected and qualified. A successor to the initial judge shall be elected in a manner provided by law for the election of judges of the superior courts of this state at the general election in November, 2010, for a term of four years beginning on January 1, 2011, and until the election and qualification of a successor. Future successors shall be elected at the general election each four years thereafter for terms of four years and until the election and qualification of a successor. They shall take office on the first day of

January following the date of the election. Such elections shall be held and conducted in a manner provided by law for the election of judges of the superior courts of this state.

SECTION 3-3.

Said additional judge of the Atlanta Judicial Circuit shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the superior court of said circuit may preside over any case therein and perform any official act as judge thereof. The new judge is authorized to employ court personnel on the same basis as other judges of the Atlanta Judicial Circuit.

SECTION 3-4.

Except as expressly stated, this Act shall not be construed to alter or repeal any provision of any local Act relating to the Atlanta Judicial Circuit. Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

SECTION 3-5.

The compensation, salary, and contingent expense allowance of said additional judge of the Atlanta Judicial Circuit shall be the same as that of the other judges of the superior court of the Atlanta Judicial Circuit. Any salary supplements heretofore enacted by the county of said circuit shall also be applicable to the additional judge provided for in this Act.

PART IV

SECTION 4-1.

A new judge of the superior court is added to the Brunswick Judicial Circuit, thereby increasing to five the number of judges of said circuit.

SECTION 4-2.

Said additional judge shall be appointed by the Governor for a term beginning July 1, 2009, and continuing through December 31, 2010, and until his or her successor is elected and qualified; such judge shall take office on the date of his or her appointment by the Governor. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2010, for a term of four years beginning on January 1, 2011, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four

years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 4-3.

The additional judge of the superior courts of the Brunswick Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Brunswick Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 4-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties of the superior courts of the Brunswick Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the counties of said circuit of the salary of the judges of the superior courts of the Brunswick Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 4-5.

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

SECTION 4-6.

Upon and after qualification of the additional judge of the superior court of the Brunswick Judicial Circuit, the five judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges in respect hereof, the majority shall

rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling.

SECTION 4-7.

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

SECTION 4-8.

The five judges of the Brunswick Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 4-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Brunswick Judicial Circuit may bear teste in the name of any judge of the Brunswick Judicial Circuit, and when issued by and in the name of any judge of said circuit shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 4-10.

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

PART V

SECTION 5-1.

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

SECTION 5-2.

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

(b) For all other purposes, this Act shall become effective on July 1, 2009.

SECTION 5-3.

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