

Senate Bill 47

By: Senators Crosby of the 13th, Cowser of the 46th, McKoon of the 29th, Bethel of the 54th, Sims of the 12th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
2 magistrate courts, so as to change provisions relating to training for magistrates and senior
3 magistrates; to change provisions relating to the composition and responsibilities of the
4 Georgia Magistrate Courts Training Council; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate
9 courts, is amended by revising subsection (a) of Code Section 15-10-132, relating to the
10 creation of the Georgia Magistrate Courts Training Council, as follows:

11 "(a) There is shall be established a council which shall be known and designated as the
12 'Georgia Magistrate Courts Training Council' and which shall be composed of the director
13 of the Administrative Office of the Courts or such director's designee, which member shall
14 not be a voting member, and five elected or appointed magistrate judges, ~~either elected or~~
15 ~~appointed, or senior magistrates~~ who shall be appointed by the president of the Council of
16 Magistrate Court Judges, with approval of the council's executive committee, for terms of
17 two years."

18 **SECTION 2.**

19 Said chapter is further amended by revising Code Section 15-10-136, relating to the powers
20 and duties of the Georgia Magistrate Courts Training Council, as follows:

21 "15-10-136.

22 The council is shall be vested with the following functions, powers, and responsibilities:

23 (1) To make all the necessary rules and regulations to carry out this article;

(2) To prescribe the minimum of training hours to be completed by each magistrate or senior magistrate on an annual basis. Not less than 12 hours nor more than 20 hours shall be required in a calendar year;

~~(2)~~(3) To cooperate with and secure the cooperation of every department, agency, or instrumentality of the state government or its political subdivisions in furtherance of the purposes of this article;

~~(3)~~(4) To approve schools and to prescribe minimum qualifications for instructors at approved schools;

~~(4)~~(5) To issue a certification to any magistrate judge satisfactorily complying with an approved training program established;

~~(5)~~(6) To do any and all things necessary or convenient to enable it wholly and adequately to perform its duties and to exercise the power granted to it; and

~~(6)~~(7) To prescribe, by rules and regulations, the minimum requirements for curricula and standards composing the initial in-service, advanced, specialized, and continuing training courses for certification."

SECTION 3.

Said chapter is further amended by revising Code Section 15-10-137, relating to training requirements for certified magistrates, as follows:

"15-10-137.

~~(a) Any person who takes office as a magistrate on July 1, 1983, and who was certified under the former Justice Courts Training Council shall satisfactorily complete 40 hours of training prior to December 31, 1984, in order to become certified under this article.~~

~~(b) Any person who becomes a magistrate between July 1, 1983, and June 30, 1998, shall satisfactorily complete 40 hours of training in the performance of his or her duties and shall attend the first scheduled training session held after the date of his or her election or appointment in order to become certified under this article. In order to become certified under this article, any person who becomes a magistrate on or after July 1, 1998, shall satisfactorily complete 80 hours of training specified by the council concerning the performance of his or her duties during the first two years after becoming a magistrate.~~

~~(b.1)~~(b) Any person who becomes a magistrate on or after July 1, 1998, shall complete during the initial year of service as a magistrate a program of orientation activities established by the council and conducted under the guidance and supervision of an experienced adviser or mentor magistrate or judge.

(c)(1) In order to maintain the status of a certified magistrate judge, each person certified as such shall complete ~~20 hours of additional training~~ the minimum number of training

hours required by the council per annum during each calendar year after the year of his or her initial certification in which he or she serves as a magistrate judge.

~~(2) For the calendar years 2009 and 2010 only, the council may suspend, in whole or in part, the training requirements of this subsection. If the council suspends such requirements, and if any magistrate judge has completed all or a portion of the required training prior to suspension of the training requirements~~ If a magistrate or senior magistrate completes training hours in excess of the number of hours required by the council, credit for the training so completed, not to exceed six hours, shall be carried over and applied to the next calendar year ~~2010 or 2011.~~

(d) Notwithstanding any other provision of this article, any magistrate who is also an active member of the State Bar of Georgia shall be certified as a certified magistrate by the council without being required to complete any training otherwise required by subsection ~~(b)~~ (a) of this Code section but shall be required to complete the mentor program of subsection ~~(b.1)~~ (b) of this Code section within 12 months of taking office as magistrate and the annual training required by subsection (c) of this Code section, commencing with the first full calendar year following the year in which such a magistrate takes office."

SECTION 4.

Said chapter is further amended by revising Code Section 15-10-223, relating to senior magistrate training, as follows:

"15-10-223.

In order to maintain the status of senior magistrate, a senior magistrate shall complete the ~~20~~ hours of training as required by the Georgia Magistrate Courts Training Council as provided for in subsection (c) of Code Section 15-10-137 in each calendar year in which he or she serves as a senior magistrate."

SECTION 5.

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