

House Bill 300 (COMMITTEE SUBSTITUTE)

By: Representatives Oliver of the 82<sup>nd</sup>, Stephenson of the 90<sup>th</sup>, Jacobs of the 80<sup>th</sup>, Mosby of the 83<sup>rd</sup>, Holcomb of the 81<sup>st</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the State Court of DeKalb County, formerly known as the Civil  
2 and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401),  
3 as amended, so as to establish the traffic division of said court; to provide for judges; to  
4 provide for initial terms and elections; to provide for the assignment of cases; to provide for  
5 a solicitor and clerk; to provide for an effective date; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the State Court of DeKalb County, formerly known as the Civil and  
10 Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as  
11 amended, is amended by designating the existing text of such Act as Part 1 and by adding  
12 thereafter a new Part 2 to read as follows:

13 "Part 2

14 Section 2-1.

15 There is created a division of the State Court of DeKalb County to be known as the 'traffic  
16 division.' The traffic division of the state court shall be governed by the provisions of  
17 general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating to state courts, and  
18 by the additional provisions of this part.

19 Section 2-2.

20 (a) In addition to all other judges of the state court, there shall be four judges of the traffic  
21 division who shall be known as associate judges of the state court. The qualifications and  
22 election of the associate judges shall be as provided by general law.

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(b) The initial associate judges shall be appointed by the Governor. Such initial associate judges shall serve until January 1, 2017, and until their successors are duly elected and qualified. Their successors shall be elected at the 2016 general election to serve terms of four years. All such elections shall be as provided by general law.

(c) Except as specifically provided in this part, all provisions of this Act relating to the judges of the state court shall be applicable to the associate judges of the traffic division.

(d) The four associate judges of the traffic division are designated as full-time judges and may not engage in the private practice of law.

(e) Associate judges of the traffic division shall not be eligible to serve as senior judge of the state court.

### Section 2-3.

(a) The traffic division shall have a presiding associate judge who shall be one of the four associate judges provided in Section 2-2. The initial presiding associate judge shall be selected by the senior judge of the state court.

(b) The term of the presiding associate judge shall be for two years, or until the person serving as presiding associate judge resigns the position or leaves the court, whichever time is shorter. At the end of each term of the presiding associate judge, the position shall pass for a term as provided in this subsection to the next associate judge as follows:

(1) The position of presiding associate judge shall pass to the associate judge who has served as presiding associate judge the fewest number of terms;

(2) If more than one associate judge meet the criteria of paragraph (1) of this subsection, then among or between them the position shall pass to the associate judge who has served as associate judge the longest time; and

(3) If more than one associate judge meet the criteria of paragraph (2) of this subsection, then among or between them the position shall pass to the associate judge who has been a member of the State Bar of Georgia the longest time.

(c) The four associate judges, in performing their duties and responsibilities, shall share, divide, and allocate the work and duties to be performed by each of them. In the event of disagreement between the associate judges with respect to such matters, the decision of the presiding associate judge shall govern.

(d) Notwithstanding any provision of this part to the contrary, the senior judge of the state court shall have ultimate authority over all matters concerning the administration of the traffic division.

Section 2-4.

(a) All cases involving violations of the traffic laws of the State of Georgia shall be assigned to the state court.

(b) The senior judge of the state court may order that cases involving violations of the traffic laws of the State of Georgia or any other matters within the jurisdiction of the state court be assigned to the traffic division.

(c) The provisions of this section shall not limit the power of the associate judges to hear and decide any matter within the jurisdiction of the state court, but the associate judges shall hear and decide only such matters as are assigned to the traffic division by order of the senior judge of the state court.

(d) This section shall not limit the power of the associate judges to punish contempts in the same manner as any other judge of the state court.

Section 2-5.

The associate judges shall take an oath to faithfully administer and discharge the duties of their offices in accordance with the Constitution and laws of the State of Georgia and the Constitution of the United States, which oath may be administered by any officer authorized under the laws of this state to administer oaths.

Section 2-6.

The solicitor of the state court shall be the solicitor of the traffic division.

Section 2-7.

The clerk of the state court shall be the clerk of the traffic division. All records of the Recorder's Court of DeKalb County shall be transferred to and maintained by the clerk of the state court."

## **SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 3.**

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