

House Bill 56

By: Representative Cantrell of the 22nd

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 judges of superior courts, so as to provide for an additional judge of the superior
3 courts of the Blue Ridge Judicial Circuit; to provide for the appointment of such additional
4 judge by the Governor; to provide for the election of successors to the judge initially
5 appointed; to require candidates for such judgeships to designate the seat for which they are
6 running; to prescribe the powers of such judge; to prescribe the compensation, salary, and
7 expense allowance of such judge to be paid by the State of Georgia and the counties included
8 in such circuit; to authorize the judges of such circuit to divide and allocate the work and
9 duties thereof; to provide for the manner of impaneling jurors; to provide for an additional
10 court reporter for such circuit; to authorize the governing authority of the counties included
11 in such circuit to provide facilities, office space, supplies, equipment, and personnel for such
12 judges; to declare inherent authority; to provide for related matters; to provide for effective
13 dates; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior courts, is amended by revising paragraph (30) as follows:

"(6) Blue Ridge Circuit 3 4"

SECTION 2.

The additional judge of the superior courts of the Blue Ridge Judicial Circuit provided for in this Act shall be appointed by the Governor for a term beginning July 1, 2021, and expiring December 31, 2022, and until a successor is elected and qualified. At the nonpartisan judicial election to be held in 2022, there shall be elected a successor to such additional judge appointed as provided for above, and he or she shall take office on the first day of January, 2023, and serve for a term of office of four years and until a successor is duly elected and qualified. All subsequent successors to such judge shall be elected at the nonpartisan judicial 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. Such judges shall take office on the first day of January following the date of their election. Such 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 3.

Every person who offers for election as one of the judges of such superior courts of the Blue Ridge Judicial Circuit shall designate with the proper authority in all general elections the specific seat for which such person offers by naming the incumbent judge whom he or she desires to succeed and thereupon such person shall be permitted, if otherwise qualified, to run for such designated judgeship and no other. In the event that there is no incumbent judge in the seat for which such person desires to offer, the person shall qualify by announcing his or her intention to run for the office for which there is no incumbent.

SECTION 4.

The additional judge of the superior courts of the Blue Ridge Judicial Circuit provided for in this Act 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 such courts 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 5.

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

SECTION 6.

All writs and processes in the superior courts of the Blue Ridge Judicial Circuit shall be returnable to the terms of such 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 such 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 the four judges of such circuit with equal jurisdiction and authority to attend to and perform the functions, powers, and duties of the judges of such superior courts and to direct and conduct all hearings and trials in such courts.

SECTION 7.

The four judges of the superior courts of the Blue Ridge Judicial Circuit, in transacting the business of such courts and in performing their duties and responsibilities, shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among such judges in any respect, the decision of the senior judge in point of service, who shall be known as the chief judge, shall be controlling. The chief judge shall have the right to appoint judges of the juvenile courts in the counties included in such circuit. The four judges of the superior courts of the Blue Ridge Judicial Circuit shall have and are clothed with full power, authority, and discretion to determine from time to time, and term to term, the manner of calling the dockets and fixing the calendars and order of business in such courts. In all such matters relating to the manner of fixing, arranging for, and disposing of the business of such courts, and making appointments as authorized by law, wherein the judges thereof cannot agree or differ, the opinion or order of the chief judge as defined in this Act shall control.

SECTION 8.

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

SECTION 9.

The four judges of the superior courts of the Blue Ridge Judicial Circuit shall be authorized and empowered to employ an additional court reporter for such circuit whose compensation shall be as now or hereafter provided by law.

SECTION 10.

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

SECTION 11.

The governing authorities of the counties included in the Blue Ridge Judicial Circuit shall provide the judges of such circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary to the proper functioning of the courts. 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.

SECTION 12.

Nothing enumerated 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 13.

This Act shall become effective for the purpose of appointing the additional judge upon its approval by the Governor or upon its becoming law without such approval and for all other purposes on July 1, 2021.

SECTION 14.

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