

House Bill 405

By: Representatives Wilensky of the 79th, Rich of the 97th, Oliver of the 82nd, Scoggins of the 14th, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding superior courts, so as to revise when superior courts are
3 authorized to use alternative locations; to provide for criteria; to provide for related matters;
4 to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
8 general provisions regarding superior courts, is amended by repealing Code Section 15-6-18,
9 relating to alternative locations, in its entirety and replacing such Code section with a new
10 Code Section 15-6-18 to read as follows:

11 "15-6-18.

12 (a) Except as provided in subsection (b) of this Code section, if for any cause it shall be
13 impracticable to hold any session of any superior or state court at the courthouse or other
14 place provided by law therefor, it shall be lawful to hold such court at an alternative facility
15 that the governing authority of the county or counties for such county or circuit, by
16 appropriate resolution, deem would be in the best interest of the public; provided, however,

that no such court may be held at any place that is not open to and accessible by the public and, provided, further, that criminal jury trials shall be conducted in alternative locations so long as the governing authority has a contractual relationship with such alternative location for such use.

(b)(1) This subsection shall apply only in a county in which there exists a state court with one or more courtrooms regularly utilized by the state court outside the county site. In any such county any session of superior court may be held outside the county site in a courtroom of the state court, subject to the following conditions and limitations:

(A) The chief judge of superior court enters a written order for such session of superior court to be so held outside the county site, and such order shall incorporate a written finding that it is impracticable for the session of court to be held at the county site;

(B) A judge of the state court must enter a written order consenting for such session of superior court to be held in the courtroom of the state court;

(C) The holding of superior court sessions shall not affect the place of filing of documents to be filed with the superior court, except for documents filed in open court which may be filed where the session of court is held; and

(D) Any state court making courtroom space available to the superior court under this subsection shall be authorized under the same rules to hold sessions of state court in facilities of the superior court.

(2) In each county of this state where the county site is located in an unincorporated area of the county and the governing authority of such county determines by appropriate resolution that the best interest of the citizens of such county would be served by the construction of a courthouse annex or satellite courthouse outside the county site, it shall be lawful to hold any session of superior or state court or grand jury and to conduct all other related business of the courts at such annex or satellite courthouse.

(c) All acts of a superior court or state court done at a place provided by this Code section, other than at the county courthouse or other place of holding such court as fixed by law,

44 shall have the same force and effect as if the same had been done at the regular courthouse
45 or other place fixed by law for the holding of such court, including the satisfaction of the
46 requirements of Code Section 15-6-17."

47 **SECTION 2.**

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

50 **SECTION 3.**

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