

The House Committee on Judiciary offers the following substitute to HB 624:

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 court of the South Georgia 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 designation of a chief judge; to provide for the manner of
10 impaneling jurors; to provide for an additional court reporter for such circuit; to authorize the
11 governing authority of the counties included in such circuit to provide facilities, office space,
12 supplies, equipment, and personnel for such judges; to declare inherent authority; to provide
13 for related matters; to provide for effective dates; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 624 (SUB)

- 1 -

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 (34) as follows:

"(34) South Georgia Circuit ~~2~~ 3"

SECTION 2.

The additional judge of the superior court of the South Georgia Judicial Circuit provided for in this Act shall be appointed by the Governor for a term beginning July 1, 2022, and expiring December 31, 2024, and until a successor is elected and qualified. At the nonpartisan judicial election to be held in 2024, 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, 2025, 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 court of the South Georgia 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 court of the South Georgia 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 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 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 county comprising such circuit shall be the same as that of other judges of the superior court of the South Georgia Judicial Circuit. The salary supplements enacted by the county comprising 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 court of the South Georgia Judicial Circuit shall be returnable to the terms of such superior court 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 court 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 three 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 court and to direct and conduct all hearings and trials in such court.

SECTION 7.

Upon and after qualification of the additional judge of the superior court of the South Georgia Judicial Circuit, the three judges of the superior court of the South Georgia Judicial Circuit 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, the judges 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 8.

The drawing and impaneling of all jurors, whether grand, petit, or special, may be conducted by any of the judges of the superior court of such circuit; and they, or each of them, shall have full power and authority to draw and impanel jurors for service in such court 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 three judges of the superior court of the South Georgia 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 court of the South Georgia Judicial Circuit may bear teste in the name of any judge

88 of such circuit and, when issued by and in the name of any judge of such circuit, shall be
89 fully valid and may be held and determined before the same or any other judge of such
90 circuit. Any judge of such court may preside over any cause therein and perform any official
91 act as judge thereof.

92 **SECTION 11.**

93 The governing authorities of the counties comprising the South Georgia Judicial Circuit shall
94 provide the judges of such circuit with suitable courtrooms and facilities, office space,
95 telephones, furniture, office equipment, supplies, and such personnel as may be considered
96 necessary to the proper functioning of the court. All of the expenditures authorized in this
97 Act are declared to be an expense of the court and payable out of the county treasuries as
98 such.

99 **SECTION 12.**

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

103 **SECTION 13.**

104 This Act shall become effective for the purpose of appointing the additional judge upon its
105 approval by the Governor or upon its becoming law without such approval and for all other
106 purposes on July 1, 2022.

107 **SECTION 14.**

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