

Senate Bill 395

By: Senator Hatchett of the 50th

AS PASSED SENATE

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 a third judge of the superior courts
3 of the Mountain Judicial Circuit; to provide for the appointment of such additional judge by
4 the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court
9 reporter for such circuit; to authorize the governing authority of the counties comprising the
10 Mountain Judicial Circuit to provide facilities, office space, supplies, equipment, and
11 personnel for such judges; to declare inherent authority; to provide for related matters; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 395

- 1 -

14

SECTION 1.

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
16 judges of superior courts, is amended by revising paragraph (25) as follows:

17 "(25) Mountain Circuit ~~2~~ 3"

18

SECTION 2.

19 One additional judge of the superior courts is added to the Mountain Judicial Circuit, thereby
20 increasing to three the number of judges of said circuit.

21

SECTION 3.

22 Said additional judge shall be appointed by the Governor for a term beginning
23 January 1, 2023, and continuing through December 31, 2024, and until his or her successor
24 is elected and qualified. His or her successor shall be elected in the manner provided by law
25 for the election of judges of the superior courts of this state at the nonpartisan judicial
26 election in 2024, for a term of four years beginning on January 1, 2025, and until his or her
27 successor is elected and qualified. Future successors shall be elected at the nonpartisan
28 judicial election each four years after such election for terms of four years and until their
29 successors are elected and qualified. They shall take office on the first day of January
30 following the date of the election.

31

SECTION 4.

32 The additional judge of the superior courts of the Mountain Judicial Circuit shall have and
33 may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
34 present judges of the superior courts of this state. Any of the judges of the Mountain Judicial
35 Circuit may preside over any cause, whether in their own or in other circuits, and perform
36 any official act as judge thereof, including sitting on appellate courts as provided by law.

37

SECTION 5.

38 The qualifications of such additional judge and his or her successors shall be the same as are
39 now provided by law for all other superior court judges, and his or her compensation, salary,
40 and expense allowance from the State of Georgia and from the counties comprising the
41 Mountain Judicial Circuit shall be the same as are now provided by law for the other superior
42 court judges of such circuit. The provisions, if any, enacted for the supplementation by the
43 counties of such circuit of the salary of the judges of the superior courts of the Mountain
44 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

45

SECTION 6.

46 All writs and processes in the superior courts of the Mountain Judicial Circuit shall be
47 returnable to the terms of such superior courts as they are now fixed and provided by law,
48 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
49 held in the same manner as though there were but one judge, it being the intent and purpose
50 of this Act to provide three judges equal in jurisdiction and authority to attend and perform
51 the functions, powers, and duties of the judges of such superior courts and to direct and
52 conduct all hearings and trials in such courts.

53

SECTION 7.

54 Upon and after qualification of the additional judge of the superior courts of the Mountain
55 Judicial Circuit, the three judges of such circuit may adopt, promulgate, amend, and enforce
56 such rules of practice and procedure in consonance with the Constitution and laws of the
57 State of Georgia as they deem suitable and proper for the effective transaction of the business
58 of the court; and, in transacting the business of the court and in performing their duties and
59 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
60 each. In the event of a disagreement among the judges in respect hereof, the decision of the
61 chief judge shall be controlling. The three judges of the superior courts of the Mountain

62 Judicial Circuit shall have and are clothed with full power, authority, and discretion to
63 determine from time to time and term to term the manner of calling the dockets, fixing the
64 calendars, and order of business in such courts. They may assign to one of such judges the
65 hearing of trials by jury for a term and the hearing of all other matters not requiring a trial
66 by jury to the other judges, and they may rotate such order of business at the next term. They
67 may conduct trials by jury at the same time in the same county or otherwise within such
68 circuit, or they may hear chambers business and motion business at the same time at any
69 place within such circuit. They may provide in all respects for holding the superior courts
70 of such circuit so as to facilitate the hearing and determination of all the business of such
71 courts at any time pending and ready for trial or hearing. In all such matters relating to the
72 fixing, arranging for, and disposing of the business of such courts and making appointments
73 as authorized by law where the judges thereof cannot agree or shall differ, the opinion or
74 order of the chief judge as provided for in this Act shall control.

75

SECTION 8.

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

81

SECTION 9.

82 The three judges of the superior courts of the Mountain Judicial Circuit shall be authorized
83 and empowered to appoint an additional court reporter for such circuit, whose compensation
84 shall be as now or hereafter provided by law.

85

SECTION 10.

86 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
87 superior courts of the Mountain Judicial Circuit may bear teste in the name of any judge of
88 the Mountain Judicial Circuit and, when issued by and in the name of any judge of such
89 circuit, shall be fully valid and may be heard and determined before the same or any other
90 judge of such circuit. Any judge of such circuit may preside over any case therein and
91 perform any official act as judge thereof.

92

SECTION 11.

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

99

SECTION 12.

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

103

SECTION 13.

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