

House Bill 906 (COMMITTEE SUBSTITUTE)

By: Representatives Yearta of the 152nd, Houston of the 170th, and Pirkle of the 169th

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 Tifton Judicial Circuit; to provide for the appointment of such additional judge by the
4 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 Tifton Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel
11 for such judges; to declare inherent authority; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 (39) as follows:

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17 "(39) Tifton Circuit 23"

18 SECTION 2.

19 One additional judge of the superior courts is added to the Tifton 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 July 1, 2024,
23 and continuing through December 31, 2026, and until his or her successor is elected and
24 qualified. His or her successor shall be elected in the manner provided by law for the
25 election of judges of the superior courts of this state at the nonpartisan judicial election in
26 2026 for a term of four years beginning on January 1, 2027, and until his or her successor is
27 elected and qualified. Future successors shall be elected at the nonpartisan judicial election
28 each four years after such 2026 election for terms of four years and until their successors are
29 elected and qualified. The newly elected and qualified judge shall take office on the first day
30 of January following the date of the election.

31 **SECTION 4.**

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

and expense allowance from the State of Georgia and from the counties comprising the Tifton Judicial Circuit shall be the same as are now provided by law for the other superior court judges of such circuit. The provisions, if any, enacted for the supplementation by the counties of such circuit of the salary of the judges of the superior courts of the Tifton Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 6.

All writs and processes in the superior courts of the Tifton 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 three judges equal in jurisdiction and authority to attend 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.

Upon and after qualification of the additional judge of the superior courts of the Tifton Judicial Circuit, the three judges of such 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, they 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 decision of a majority shall control, or, in the absence of a majority, the decision of the chief judge shall be controlling. The three judges of the superior courts of the Tifton 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, fixing the calendars, and order of

business in such courts. They may assign to one such judge the hearing of trials by jury for a term and the hearing of all other matters not requiring a trial by jury to the other judges, and they may rotate such order of business at the next term. They may conduct trials by jury at the same time in the same county or otherwise within such circuit, or they may hear chambers business and motion business at the same time at any place within such circuit. They may provide in all respects for holding the superior courts of such circuit so as to facilitate the hearing and determination of all the business of such courts at any time pending and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and disposing of the business of such courts and making appointments as authorized by law where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for 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 any one such judge, 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 such judges separately or before each of them at the same time.

SECTION 9.

The three judges of the superior courts of the Tifton Judicial Circuit shall be authorized and empowered to appoint 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 Tifton Judicial Circuit may bear teste in the name of any judge of the

89 Tifton Judicial Circuit and, when issued by and in the name of any judge of such circuit, shall
90 be fully valid and may be heard and determined before the same or any other judge of such
91 circuit. Any judge of such circuit may preside over any case therein and perform any official
92 act as judge thereof.

93 **SECTION 11.**

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

100 **SECTION 12.**

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

104 **SECTION 13.**

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