

House Bill 93

By: Representative Smith of the 18th

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

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16

SECTION 1.

17 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
18 judges of superior courts, is amended by revising paragraph (38) as follows:

19 "(38) Tallapoosa Circuit ~~2~~ 3"

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SECTION 2.

21 The additional judge of the superior courts of the Tallapoosa Judicial Circuit provided for in
22 this Act shall be appointed by the Governor for a term beginning July 1, 2025, and expiring
23 December 31, 2026, and until a successor is elected and qualified. At the nonpartisan
24 judicial election to be held in 2026, there shall be elected a successor to such additional judge
25 appointed as provided for in this section, and he or she shall take office on the first day of
26 January, 2027, and serve for a term of office of four years and until a successor is duly
27 elected and qualified. All subsequent successors to such judge shall be elected at the
28 nonpartisan judicial election conducted in the year in which the term of office of such judge
29 shall expire and serve for a term of four years and until his or her successor is duly elected
30 and qualified. Such judges shall take office on the first day of January following the date of
31 their election. Such elections shall be held and conducted as is now or may hereafter be
32 provided by law for the election of judges of the superior courts of the State of Georgia.

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SECTION 3.

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

41 **SECTION 4.**

42 The additional judge of the superior courts of the Tallapoosa Judicial Circuit provided for in
43 this Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
44 immunities of the present judges of the superior courts of this state. Any of the judges of the
45 Tallapoosa Judicial Circuit may preside over any cause, whether in their own or in other
46 circuits, and perform any official act as judge thereof, including sitting on appellate courts
47 as provided by law.

48 **SECTION 5.**

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

55 **SECTION 6.**

56 All writs and processes in the superior courts of the Tallapoosa Judicial Circuit shall be
57 returnable to the terms of such superior courts as they are now fixed and provided by law,
58 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
59 held in the same manner as though there were but one judge, it being the intent and purpose
60 of this Act to provide the judges of such circuit with equal jurisdiction and authority to attend
61 to and perform the functions, powers, and duties of the judges of such superior courts and to
62 direct and conduct all hearings and trials in such courts.

63 **SECTION 7.**

64 Upon and after qualification of the additional judge of the Tallapoosa Judicial Circuit, the
65 judges of the Tallapoosa Judicial Circuit may adopt, promulgate, amend, and enforce such
66 rules of practice and procedure in consonance with the Constitution and laws of the State of
67 Georgia as they deem suitable and proper for the effective transaction of the business of the
68 courts; and, in transacting the business of the courts and in performing their duties and
69 responsibilities, the judges shall share, divide, and allocate the work and duties to be
70 performed by each. In the event of a disagreement among the judges in respect hereof, the
71 majority shall rule, or failing a majority, the decision of the senior judge in point of service,
72 who shall be known as the chief judge, shall be controlling.

73 **SECTION 8.**

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

79 **SECTION 9.**

80 The judges of the Tallapoosa Judicial Circuit shall be authorized and empowered to employ
81 an additional court reporter for such circuit whose compensation shall be as now or hereafter
82 provided by law.

83 **SECTION 10.**

84 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
85 superior courts of the Tallapoosa Judicial Circuit may bear teste in the name of any judge of
86 such circuit and, when issued by and in the name of any judge of such circuit, shall be fully

87 valid and may be held and determined before the same or any other judge of such circuit.
88 Any judge of such courts may preside over any cause therein and perform any official act as
89 judge thereof.

90 **SECTION 11.**

91 The governing authorities of the counties comprising the Tallapoosa Judicial Circuit shall
92 provide the judges of such circuit with suitable courtrooms and facilities, office space,
93 telephones, furniture, office equipment, supplies, and such personnel as may be considered
94 necessary to the proper functioning of the courts. All of the expenditures authorized in this
95 Act are declared to be an expense of the superior court for which such expenditure was
96 authorized and shall be payable out of such court's respective county treasury as such.

97 **SECTION 12.**

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

101 **SECTION 13.**

102 This Act shall become effective for the purpose of appointing the additional judge upon its
103 approval by the Governor or upon its becoming law without such approval and for all other
104 purposes on July 1, 2025.

105 **SECTION 14.**

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