

House Bill 180

By: Representatives Smith of the 18th, Scoggins of the 14th, Kelley of the 16th, Hong of the 103rd, Gunter of the 8th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
2 probate courts, so as to modify certain requirements for probate judges; to provide for related
3 matters; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts,
7 is amended by revising Code Section 15-9-4, relating to additional judicial eligibility
8 requirements in certain counties, as follows:

9 "15-9-4.

10 (a) No individual elected judge of the probate court in any county provided for in this
11 Code section shall engage in the private practice of law.

12 (b)(1) Except as otherwise provided by subsection (c) of this Code section, in any county
13 of this state having a population of more than 90,000 persons according to the United
14 States decennial census of 2010 or any future such census and in which the probate court
15 of such county meets the definition of a probate court as provided by Article 6 of this

16 chapter, no individual shall be judge of the probate court unless at the time of ~~election~~
17 qualification, in addition to the qualifications required by law, he or she;

18 (A) Has ~~has~~ attained the age of 30 years;;

19 (B) Has ~~has~~ been admitted to practice law for seven years; ~~and preceding election,~~

20 (C) Is ~~is~~ a member in good standing with the State Bar of Georgia, and has been duly
21 reinstated to the practice of law in the event of his or her disbarment therefrom.

22 (2) In addition to and not in lieu of the affidavit required to be filed at qualification
23 pursuant to paragraph (2) of subsection (a) of Code Section 15-9-2, each individual
24 offering as a candidate for the office of judge of the probate court in any county of this
25 state to whom paragraph (1) of this subsection is applicable shall file a supplemental
26 affidavit with the officer before whom such individual has qualified to seek the office of
27 judge of the probate court prior to or at the time of qualifying as a candidate. The
28 supplemental affidavit shall affirm that the individual meets all the qualifications required
29 by subparagraphs (A), (B), and (C) of paragraph (1) of this subsection.

30 (c) A judge of the probate court holding such office on or after June 30, 2000, shall
31 continue to hold such office and shall be allowed to seek reelection for such office.
32 Notwithstanding the requirement that in certain counties the judge of the probate court be
33 admitted to practice law for seven years preceding election, no decision, judgment, ruling,
34 or other official action of any judge of the probate court shall be overturned, denied, or
35 overruled based solely on this requirement for qualification, election, and holding the office
36 of judge of the probate court."

37 **SECTION 2.**

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