

House Bill 304

By: Representatives Yearata of the 152nd, Gullett of the 19th, Gunter of the 8th, Kelley of the 16th, Reeves of the 99th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to
2 municipal courts, so as to create the Georgia Municipal Court Clerks' Council; to provide for
3 definitions; to provide for the membership, powers, and duties of the council; to provide for
4 funding of the council; to provide for the status of the council and its members; to provide
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal
9 courts, is amended by adding a new article to read as follows:

10 "ARTICLE 4

11 36-32-50.

12 (a) As used in this Code section, the term:

13 (1) 'Council' means the Georgia Municipal Court Clerks' Council.

14 (2) 'Municipal court staff' means the primary person most directly responsible for the
15 administration of a municipal court, other than a judge of the municipal court, and his or
16 her support staff.

17 (b) There is created the Georgia Municipal Court Clerks' Council. The council shall be
18 composed of the municipal court staff of all municipal courts within this state. The council
19 is authorized to organize itself and to develop a constitution and bylaws. The council is
20 authorized to elect such officers, including an executive committee, as it shall deem
21 advisable to carry out its duties and responsibilities. The council is authorized to appoint
22 advisory committees and establish the membership and duties thereof. In addition to the
23 members of the council, the council is authorized to provide for special classes of
24 nonvoting memberships for honorary members and those persons who have retired from
25 positions involving the administration and management of municipal courts.

26 (c) It shall be the purpose of the council to effectuate the responsibilities conferred upon
27 it by law, to further the improvement of the municipal courts and the administration of
28 justice, to assist the municipal court staff throughout the state in the execution of their
29 duties, and to promote and assist in the training of municipal court staff.

30 (d) Expenses of the administration of the council shall be paid from state funds
31 appropriated for such purpose and from other appropriate sources.

32 (e) The council shall be a legal entity and an agency of the State of Georgia; shall have
33 perpetual existence; may contract; may own property; may accept funds, grants, and gifts
34 from any public or private source for use in defraying the expenses of the council; may
35 adopt and use an official seal; may establish a principal office; may employ such
36 administrative or clerical personnel as may be necessary and appropriate to fulfill its
37 necessary duties; and shall have other powers, privileges, and duties as may be reasonable
38 and necessary for the proper fulfillment of its purposes and duties.

39 (f) A member of the council shall not be ineligible to hold the office of municipal court
40 staff by virtue of his or her position as a member of the council and membership in the
41 council shall not constitute the holding of a public office."

42 **SECTION 2.**

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