

House Bill 55 (COMMITTEE SUBSTITUTE)

By: Representatives Ford of the 170<sup>th</sup>, Burchett of the 176<sup>th</sup>, Corbett of the 174<sup>th</sup>, Efstration of the 104<sup>th</sup>, Gunter of the 8<sup>th</sup>, and others

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 Alapaha 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:

H. B. 55 (SUB)

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 (1) as follows:

19 "(1) Alapaha Circuit . . . . . ~~2~~ 3"

20

**SECTION 2.**

21 The additional judge of the superior courts of the Alapaha Judicial Circuit provided for in  
22 this Act shall be appointed by the Governor for a term beginning July 1, 2026, and expiring  
23 December 31, 2028, and until a successor is elected and qualified. At the nonpartisan  
24 judicial election to be held in 2028, 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, 2029, 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.

33

**SECTION 3.**

34 Each person who offers for election as one of the judges of the superior courts of the Alapaha  
35 Judicial Circuit shall designate with the proper authority in all general elections the specific  
36 seat for which such person offers by naming the incumbent judge whom he or she desires to  
37 succeed and thereupon such person shall be permitted, if otherwise qualified, to run for such  
38 designated judgeship and no other. In the event that there is no incumbent judge in the seat  
39 for which such person desires to offer, the person shall qualify by announcing his or her  
40 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 Alapaha 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 Alapaha 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 Alapaha 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 Alapaha 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 Alapaha Judicial Circuit, the  
65 judges of the Alapaha Judicial Circuit may adopt, promulgate, amend, and enforce such rules  
66 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 Alapaha Judicial Circuit shall be authorized and empowered to employ an  
81 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 Alapaha 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 Alapaha 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 January 1, 2026.

105 **SECTION 14.**

106 All laws and parts of laws in conflict with this Act are repealed.