

The Senate Committee on Judiciary offered the following substitute to HB 55:

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:

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 January 1, 2026, and
23 expiring December 31, 2028, and until a successor is elected and qualified. At the
24 nonpartisan judicial election to be held in 2028, there shall be elected a successor to such
25 additional judge appointed as provided for in this section, and he or she shall take office on
26 the first day of January, 2029, and serve for a term of office of four years and until a
27 successor is duly elected and qualified. All subsequent successors to such judge shall be
28 elected at the nonpartisan judicial election conducted in the year in which the term of office
29 of such judge shall expire and serve for a term of four years and until his or her successor is
30 duly elected and qualified. Such judges shall take office on the first day of January following
31 the date of their election. Such elections shall be held and conducted as is now or may
32 hereafter be provided by law for the election of judges of the superior courts of the State of
33 Georgia.

34

SECTION 3.

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

40 for which such person desires to offer, the person shall qualify by announcing his or her
41 intention to run for the office for which there is no incumbent.

42 **SECTION 4.**

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

49 **SECTION 5.**

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

56 **SECTION 6.**

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

64 **SECTION 7.**

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

74 **SECTION 8.**

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

80 **SECTION 9.**

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

84 **SECTION 10.**

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

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

91 **SECTION 11.**

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

98 **SECTION 12.**

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

102 **SECTION 13.**

103 This Act shall become effective for the purpose of appointing the additional judge upon its
104 approval by the Governor or upon its becoming law without such approval and for all other
105 purposes on January 1, 2026.

106 **SECTION 14.**

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