

House Bill 798

By: Representatives Mathiak of the 82nd and Camp of the 135th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act establishing the State Court of Spalding County, formerly known as the
2 City Court of Griffin, approved December 14, 1897 (Ga. L. 1897, p. 462), as amended, so
3 as to modernize, update, and readopt provisions governing such court and its judges, clerk,
4 solicitor-general, and other personnel; to reauthorize the collection of fees; to specify the
5 location of the court and provide for facilities therefor; to provide for jurisdiction, powers,
6 practice, and procedure; to provide for terms of court; to specify business hours of the court;
7 to restate provisions related to juries and jurors; provide for an additional judge for such
8 court; to provide for the appointment of such additional judge of such court; to provide for
9 the election of successors; to provide for a chief judge; to revise the compensation of the
10 judges; to restate provisions related to the sentence enforcement department and
11 accountability court; to provide for appeals from such court; to provide for the review of
12 decisions by lower courts; to provide for related matters; to provide for effective dates; to
13 repeal specific Acts; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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38 shall at all times be open for the purpose of receiving pleas in criminal cases and passing
39 sentence thereon and for the transaction of civil business before the court.

40 SECTION 5.

41 The clerk of the State Court shall be required to keep his or her office open the same hours
42 for business as the Clerk of the Superior Court of Spalding County.

43 SECTION 6.

44 (a) The clerk of the State Court shall be entitled to charge and collect the same fees as the
45 Clerk of the Superior Court of Spalding County is entitled to charge and collect for the
46 same or similar services pursuant to state law. All such fees shall be paid into the county
47 treasury, except those sums which are directed by law to be paid otherwise.

48 (b) The clerk of the State Court shall be entitled to charge and collect a technology fee to
49 be set by the chief judge of the State Court in an amount not to exceed \$5.00 for the filing
50 of each civil action and not to exceed \$5.00 as a surcharge for each fine assessed by the
51 State Court. Technology fees shall be used to provide for the technological needs of the
52 court at the direction of the chief judge. Such uses shall include the following:

- 53 (1) Computer hardware and software purchases;
- 54 (2) Lease, maintenance, and installation of computer hardware and software, including
55 the cost of training court personnel to use said hardware and software;
- 56 (3) Purchase, lease, maintenance, and installation of technologies, including, but not
57 limited to, technologies related to imaging, scanning, cellular, facsimile, teletype,
58 bluetooth, communication, projection, printing, audio-visual, telephonic, and other
59 electronic equipment and technology purchases; and
- 60 (4) Any items for supporting the above referenced items. The funds collected pursuant
61 to this subsection shall be maintained in a segregated fund by the clerk of the State Court

62 and titled 'State Court Technology Fund' and shall be used only for the purposes
63 authorized in this subsection at the direction of the chief judge of the State Court.

64 SECTION 7.

65 All prosecutions in criminal cases instituted in the State Court of Spalding County shall be
66 by written accusation, uniform traffic citation, or summons as provided for by Code
67 Section 17-7-71 of the O.C.G.A.

68 SECTION 8.

69 Any cases tried in the State Court of Spalding County shall be subject to review by the
70 Court of Appeals or the Supreme Court of Georgia, whichever court has jurisdiction, in the
71 same manner and under the same rules of appellate procedure as apply to cases in the
72 Superior Court of Spalding County.

73 SECTION 9.

74 (a) Traverse jurors shall be drawn, selected, chosen, and summoned for service in the State
75 Court of Spalding County under procedures established by the judges and as prescribed by
76 state law. Jurors in said State Court shall receive the same per diem compensation for
77 service therein as in the Superior Court of Spalding County and shall be paid by Spalding
78 County in the same manner and out of like funds as jurors are paid in the Superior Court
79 of Spalding County unless ordered otherwise by the chief judge of the State Court.

80 (b) For the trial of any case in the State Court of Spalding County requiring the use of
81 jurors, a jury pool is created. Jurors may be selected as prescribed by law by judges of the
82 State Court of Spalding County to appear to be sworn and serve as jurors before either
83 court.

84 (c) The jury for the trial of all civil cases tried in the State Court of Spalding County shall
85 be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.

86 Peremptory strikes in civil cases shall be exercised in the manner prescribed in Chapter 12
87 of Title 15 of the O.C.G.A.

88 (d) The jury for the trial of all criminal cases tried in the State Court of Spalding County
89 shall be composed of the number of jurors set forth in Chapter 12 of Title 15 of the
90 O.C.G.A. Peremptory strikes in criminal cases shall be exercised in the manner prescribed
91 in Chapter 12 of Title 15 of the O.C.G.A.

92 SECTION 10.

93 (a) Until January 1, 2026, there shall be one judge of the State Court of Spalding County.
94 The judge of the State Court in office immediately preceding the date upon which this Act
95 becomes effective shall continue to serve the term of office to which he or she was elected,
96 which shall expire December 31, 2028, and upon the election and qualification of his or her
97 successor. For the four-year term commencing January 1, 2029, the position shall be on
98 the ballot for nonpartisan election to be held and conducted jointly with the general primary
99 in 2028 and quadrennially thereafter pursuant to Code Section 21-2-138 of the O.C.G.A.,
100 and this position shall be referred to as Judicial Post 1.

101 (b) As of January 1, 2026, there shall be two judges of the State Court of Spalding County.
102 The second judge shall be added effective January 1, 2026, and shall be appointed by the
103 Governor for an initial term of office ending on December 31, 2028, and until his or her
104 successor is elected and qualified. The successor to said judge shall be elected by the
105 qualified voters of Spalding County at a nonpartisan election to be held and conducted
106 jointly with the general primary in 2028 and quadrennially thereafter pursuant to Code
107 Section 21-2-138 of the O.C.G.A., and this position shall be Judicial Post 2. The judge
108 thus elected to Judicial Post 2 shall serve a term of office of four years and until his or her
109 successor is elected and qualified. This position shall be referred to as Judicial Post 2.

110 (c) The judges of said court shall have such qualifications and shall be subject to such
111 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. They shall

112 be vested with all the power and authority of the judges of the state courts by Chapter 7 of
113 Title 15 of the O.C.G.A.

114 (d) Both the chief judge of the State Court and the associate judge of the State Court shall
115 devote their full time to the duties of said office. The chief judge of the State Court shall
116 be paid an annual salary equal to 90 percent of the total annual salary of the chief judge of
117 the Superior Court of Spalding County, including the base salary and all supplements paid
118 to the chief judge of the Superior Court by the counties in the judicial circuit, which
119 includes Spalding County. Said salary shall be payable out of the funds of Spalding County
120 at the same intervals as are paid to other judges and elected officials. The associate judge
121 shall be paid an annual salary of 100 percent of the chief judge.

122 (e) There shall be a chief judge of the State Court of Spalding County effective
123 January 1, 2026, who shall be the judge with the longest continuous service as judge in the
124 State Court. The chief judge shall have responsibility for both the criminal and civil
125 dockets and shall promulgate rules in relation to execution of these responsibilities.

126 (f) The chief judge shall not receive an annual supplement in addition to his or her salary
127 except as otherwise provided in Section 13 of this Act.

128 SECTION 11.

129 (a) There shall be a Solicitor-General of the State Court of Spalding County. The
130 solicitor-general in office immediately preceding the effective date this Act shall continue
131 to serve the term to which that person was elected, which shall expire December 31, 2026,
132 and upon the election and qualification of a successor. That and all future successors to
133 solicitor-general of the State Court of Spalding County whose terms of office are to expire
134 shall be nominated and elected in partisan elections immediately preceding such expiration
135 of term, shall take office the first day of January immediately following such election, and
136 shall serve for a term of office of four years and until the election and qualification of a
137 successor.

138 (b) The solicitor-general of said court shall have such qualifications as provided in
139 Article 3 of Chapter 18 of Title 15 of the O.C.G.A. and shall be subject to such restrictions
140 and discipline as provided in Article 3 of Chapter 18 of Title 15 of the O.C.G.A. He or she
141 shall have all the duties and authority of the solicitors-general of state courts provided by
142 Article 3 of Chapter 18 of Title 15 of the O.C.G.A.

143 (c) The solicitor-general shall be paid an annual salary equal to 90 percent of the total
144 annual salary of the chief judge of the State Court and shall devote his or her full time to
145 the duties of said office. Said salary shall be payable out of the funds of Spalding County
146 at the same intervals as installments are paid to other county judges and elected officials.

147 SECTION 12.

148 (a) The chief judge shall appoint the clerk of the State Court who shall serve at the
149 pleasure of the chief judge of the State Court. The clerk of the State Court shall receive
150 compensation in the amount of 80 percent of the annual salary of the chief judge. If the
151 chief judge chooses the Clerk of the Superior Court of Spalding County as the clerk of the
152 State Court, the superior court clerk shall become ex-officio clerk of the State Court of
153 Spalding County, and such person shall be entitled to no additional compensation for
154 services as such except as otherwise required by general law.

155 (b) The Sheriff of Spalding County shall be ex-officio sheriff of the State Court of
156 Spalding County but shall be entitled to no additional compensation for services as such
157 unless otherwise required by general law. All fees, costs, percentages, forfeitures,
158 penalties, allowances, and other perquisites of whatever kind as may now or hereafter be
159 allowed by law to be received or collected as compensation for services by said officials
160 as officials of the State Court of Spalding County shall be received and diligently collected
161 by said officials for the sole use of Spalding County and shall be held as public moneys
162 belonging to Spalding County and accounted for and paid over to the fiscal authorities of

163 Spalding County by the tenth of each month, at which time a detailed itemized statement
164 shall be made showing such collections and the sources from which collected.

165 SECTION 13.

166 (a) Spalding County shall continue to operate, fund, and support the Spalding County
167 Sentence Enforcement Department (SCSE). The SCSE shall continue to be responsible for
168 the supervision of all individuals ordered to be supervised by the State Court. The chief
169 judge shall choose the director of the SCSE who shall serve at the pleasure of the chief
170 judge.

171 (b) Spalding County shall fully support the State Court Accountability Court (SCAC). The
172 chief judge shall choose the director of the SCAC who shall serve at the pleasure of the
173 chief judge. If the chief judge operates a drug court division, mental health court division,
174 veterans court division, or operating under the influence court division, the chief judge
175 shall be paid an additional annual supplement of no less than \$6,300.00.

176 SECTION 14.

177 In the event a judge of the State Court of Spalding County is unable to preside in the court
178 or is disqualified for any reason, then the judges may appoint a judge pro hac vice to serve
179 in his or her absence. Such judge pro hac vice shall meet the same qualifications as a judge
180 of the State Court of Spalding County.

181 SECTION 15.

182 The judges of the State Court of Spalding County may appoint an official stenographer for
183 such court who shall report such cases as the court may require. He or she shall receive the
184 same fees as allowed for similar services in the superior court which shall be taxed and
185 enforced as in the superior court.

186 SECTION 16.

187 In the event of any dispute or difference of opinion between the State Court judges
188 regarding any administrative or procedural issue related to the operation of the court, the
189 opinion of the chief judge shall control.

190 SECTION 17.

191 The chief judge and solicitor-general of the State Court shall make applications to the
192 Spalding County Board of Commissioners for the provision of necessary and reasonable
193 expenses and staffing incurred and required by them in the operation of the court.

194 SECTION 18.

195 The State Court of Spalding County shall have the right to review decisions of lower courts
196 as allowed by law."

197 SECTION 2.

198 For the purpose of appointing the initial associate judge under this Act, this Act shall become
199 effective upon its approval by the Governor or upon its becoming law without such approval.
200 For all other purposes, this Act shall become effective on January 1, 2026.

201 SECTION 3.

202 An Act approved November 29, 1899 (Ga. L. 1899, p. 493), an Act approved December 17,
203 1900 (Ga. L. 1900, p. 137), an Act approved December 17, 1901 (Ga. L. 1901, p. 133), an
204 Act approved August 22, 1907 (Ga. L. 1907, p. 193), an Act approved July 29, 1912 (Ga. L.
205 1912, p. 235), an Act approved August 14, 1915 (Ga. L. 1915, p. 95), an Act approved
206 August 16, 1916 (Ga. L. 1916, p. 224), an Act approved February 26, 1941 (Ga. L. 1941, p.
207 650), an Act approved February 21, 1951 (Ga. L. 1951, p. 2768), an Act approved February
208 8, 1955 (Ga. L. 1955, p. 2208), an Act approved March 17, 1960 (Ga. L. 1960, p. 2756), an

209 Act approved March 31, 1961 (Ga. L. 1961, p. 3410), an Act approved February 28, 1966
210 (Ga. L. 1966, p. 2210), an Act approved April 18, 1969 (Ga. L. 1969, p. 2876), an Act
211 approved February 20, 1974 (Ga. L. 1974, p. 2047), an Act approved March 13, 1978 (Ga.
212 L. 1978, p. 3441), an Act approved February 21, 1980 (Ga. L. 1980, p. 3048), an Act
213 approved April 6, 1981 (Ga. L. 1981, p. 4131), an Act approved March 14, 1984 (Ga. L.
214 1984, p. 4201), an Act approved March 19, 1987 (Ga. L. 1987, p. 4527), an Act approved
215 March 16, 2000 (Ga. L. 2000, p. 3528), an Act approved April 25, 2002 (Ga. L. 2002, p.
216 4278), an Act approved April 11, 2012 (Ga. L. 2012, p. 5335), and an Act approved May 3,
217 2016 (Ga. L. 2016, p. 4034), are repealed in their entirety.

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SECTION 4.

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