

House Bill 557 (COMMITTEE SUBSTITUTE)

By: Representatives Hawkins of the 27th, Cox of the 28th, Clark of the 100th, Dunahoo of the 31st, McCollum of the 30th, 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 a sixth judge of the superior courts
3 of the Northeastern Judicial Circuit; to provide for the appointment of such additional judge
4 by the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court
9 reporter for such circuit; to authorize the governing authority of the counties comprising the
10 Northeastern Judicial Circuit to provide facilities, office space, supplies, equipment, and
11 personnel for such judges; to declare inherent authority; to provide for related matters; to
12 provide for effective dates; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
16 judges of superior courts, is amended by revising paragraph (26) as follows:

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17 "(26) Northeastern Circuit 5 6"

18 **SECTION 2.**

19 One additional judge of the superior courts is added to the Northeastern Judicial Circuit,
20 thereby increasing to six the number of judges of said circuit.

21 **SECTION 3.**

22 Said additional judge shall be appointed by the Governor for a term beginning
23 January 1, 2027, and continuing through December 31, 2028, and until his or her successor
24 is elected and qualified. His or her successor shall be elected in the manner provided by law
25 for the election of judges of the superior courts of this state at the nonpartisan judicial
26 election in 2028 for a term of four years beginning on January 1, 2029, and until his or her
27 successor is elected and qualified. Future successors shall be elected at the nonpartisan
28 judicial election every four years thereafter for terms of four years and until their successors
29 are elected and qualified. The newly elected and qualified judge shall take office on the first
30 day of January following the date of the election.

31 **SECTION 4.**

32 The additional judge of the superior courts of the Northeastern Judicial Circuit shall have and
33 may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
34 present judges of the superior courts of this state. Any judge of the Northeastern Judicial
35 Circuit may preside over any cause, whether in their own or in other circuits, and perform
36 any official act as judge thereof, including sitting on appellate courts as provided by law.

37 **SECTION 5.**

38 The qualifications of such additional judge and his or her successors shall be the same as are
39 now provided by law for all other superior court judges, and his or her compensation, salary,

40 and expense allowance from the State of Georgia and from the counties comprising the
41 Northeastern Judicial Circuit shall be the same as are now provided by law for the other
42 superior court judges of such circuit. The provisions, if any, enacted for the supplementation
43 by the counties of such circuit of the salary of the judges of the superior courts of the
44 Northeastern Judicial Circuit shall also be applicable to the additional judge provided for by
45 this Act.

46 **SECTION 6.**

47 All writs and processes in the superior courts of the Northeastern Judicial Circuit shall be
48 returnable to the terms of such superior courts as they are now fixed and provided by law,
49 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
50 held in the same manner as though there were but one judge, it being the intent and purpose
51 of this Act to provide six judges equal in jurisdiction and authority to attend and perform the
52 functions, powers, and duties of the judges of such superior courts and to direct and conduct
53 all hearings and trials in such courts.

54 **SECTION 7.**

55 Upon and after qualification of the additional judge of the superior courts of the Northeastern
56 Judicial Circuit, the judges of such circuit may adopt, promulgate, amend, and enforce such
57 rules of practice and procedure in consonance with the Constitution and laws of the State of
58 Georgia as they deem suitable and proper for the effective transaction of the business of the
59 court; and, in transacting the business of the court and in performing their duties and
60 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
61 each. In the event of a disagreement among the judges in respect hereof, the decision of a
62 majority shall control, or, in the absence of a majority, the decision of the chief judge shall
63 be controlling. The judges of the superior courts of the Northeastern Judicial Circuit shall
64 have and are clothed with full power, authority, and discretion to determine from time to time

65 and term to term the manner of calling the dockets, fixing the calendars, and order of
66 business in such courts. They may assign to one such judge the hearing of trials by jury for
67 a term and the hearing of all other matters not requiring a trial by jury to the other judges, and
68 they may rotate such order of business at the next term. They may conduct trials by jury at
69 the same time in the same county or otherwise within such circuit, or they may hear
70 chambers business and motion business at the same time at any place within such circuit.
71 They may provide in all respects for holding the superior courts of such circuit so as to
72 facilitate the hearing and determination of all the business of such courts at any time pending
73 and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and
74 disposing of the business of such courts and making appointments as authorized by law
75 where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge
76 as provided for in this Act shall control.

77

SECTION 8.

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

83

SECTION 9.

84 The judges of the superior courts of the Northeastern Judicial Circuit shall be authorized and
85 empowered to appoint an additional court reporter for such circuit, whose compensation shall
86 be as now or hereafter provided by law.

87 **SECTION 10.**

88 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
89 superior courts of the Northeastern Judicial Circuit may bear teste in the name of any judge
90 of the Northeastern Judicial Circuit and, when issued by and in the name of any judge of such
91 circuit, shall be fully valid and may be heard and determined before the same or any other
92 judge of such circuit. Any judge of such circuit may preside over any case therein and
93 perform any official act as judge thereof.

94 **SECTION 11.**

95 Upon request of any judge of the circuit, the governing authorities of the counties comprising
96 the Northeastern Judicial Circuit shall be authorized to furnish the judges of such circuit with
97 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
98 supplies, and such personnel as may be considered necessary by the court to the proper
99 functioning of the court. All of the expenditures authorized in this Act are declared to be an
100 expense of the court and payable out of the county treasury as such.

101 **SECTION 12.**

102 Except as expressly stated, nothing in this Act shall be construed to alter or repeal any
103 provision of any local Act relating to the Northeastern Judicial Circuit. Nothing in this Act
104 shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of
105 superior court judges provided by the Constitution and statutes of the State of Georgia.

106 **SECTION 13.**

107 This Act shall become effective for the purposes of appointing the additional judge upon its
108 approval by the Governor or upon its becoming law without such approval, and for all other
109 purposes on January 1, 2027.

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SECTION 14.

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