

The Senate Committee on Judiciary offered the following substitute to SB 327:

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 Clayton Judicial Circuit; to provide for the appointment of such additional judge by
4 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 Clayton Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel
11 for such judges; to declare inherent authority; to provide for related matters; to provide for
12 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 (5) as follows:

17 "(10) Clayton Circuit 5 6"

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SECTION 2.

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

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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.

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SECTION 4.

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

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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 Clayton Judicial Circuit shall be the same as are now provided by law for the other superior
42 court judges of such circuit. The provisions, if any, enacted for the supplementation by the
43 counties of such circuit of the salary of the judges of the superior courts of the Clayton
44 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

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SECTION 6.

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

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SECTION 7.

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

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

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SECTION 8.

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

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SECTION 9.

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

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SECTION 10.

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

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SECTION 11.

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

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SECTION 12.

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

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SECTION 13.

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

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SECTION 14.

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