

The House Committee on Judiciary offers the following substitute to SB 532:

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 twelfth judge of the superior
3 courts of the Gwinnett Judicial Circuit; to provide for the appointment of such additional
4 judge by the Governor; to provide for the election of successors to the judge initially
5 appointed; to prescribe the powers of such judge; to prescribe the compensation, salary, and
6 expense allowance of such judge to be paid by the State of Georgia and the counties
7 comprising said circuit; to authorize the judges of such circuit to divide and allocate the work
8 and duties thereof; to carry over existing provisions related to the selection of the chief judge;
9 to provide for the manner of impaneling jurors; to provide for an additional court reporter for
10 such circuit; to authorize the governing authority of the counties comprising the Gwinnett
11 Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for
12 such judges; to declare inherent authority; to provide for related matters; to provide for
13 effective dates; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 532 (SUB)

15

SECTION 1.

16 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
17 judges of superior courts, is amended by revising paragraph (20) as follows:

18 "(20) Gwinnett Circuit † 12"

19

SECTION 2.

20 One additional judge of the superior courts is added to the Gwinnett Judicial Circuit, thereby
21 increasing to twelve the number of judges of said circuit.

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SECTION 3.

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

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SECTION 4.

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

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SECTION 5.

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

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SECTION 6.

47 All writs and processes in the superior courts of the Gwinnett 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 all 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.

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SECTION 7.

55 The chief judge of the Gwinnett Judicial Circuit shall be elected from among the judges by
56 majority vote of the total number of judges voting. In the event no judge obtains a majority
57 of the vote after three ballots, the chief judge shall be the eligible judge having the most
58 seniority. The term for a chief judge shall be two years, and a person may be elected to
59 successive terms. The chief judge shall be vested with the power to make all appointments
60 whenever the law provides for the superior court judge to make appointments, except as
61 herein provided. The chief judge serving on the effective date of this Act shall serve out the
62 term as chief judge to which he or she was elected.

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SECTION 8.

64 Upon and after qualification of the additional judge of the superior courts of the Gwinnett
65 Judicial Circuit, the judges of such circuit may adopt, promulgate, amend, and enforce such
66 rules 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 court; and, in transacting the business of the court and in performing their duties and
69 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
70 each. In the event of a disagreement among the judges in respect hereof, the decision of a
71 majority shall control, or, in the absence of a majority, the decision of the chief judge shall
72 be controlling. The judges of the superior courts of the Gwinnett Judicial Circuit shall have
73 and are clothed with full power, authority, and discretion to determine from time to time and
74 term to term the manner of calling the dockets, fixing the calendars, and order of business
75 in such courts. They may assign to one such judge the hearing of trials by jury for a term and
76 the hearing of all other matters not requiring a trial by jury to the other judges, and they may
77 rotate such order of business at the next term. They may conduct trials by jury at the same
78 time in the same county or otherwise within such circuit, or they may hear chambers business
79 and motion business at the same time at any place within such circuit. They may provide in
80 all respects for holding the superior courts of such circuit so as to facilitate the hearing and
81 determination of all the business of such courts at any time pending and ready for trial or
82 hearing. In all such matters relating to the fixing, arranging for, and disposing of the
83 business of such courts and making appointments as authorized by law where the judges
84 thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for
85 in this Act shall control.

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SECTION 9.

87 The drawing and impaneling of all jurors, whether grand, petit, or special, may be conducted
88 by any of the judges of the superior courts of such circuit; and they, or any one such judge,

89 shall have full power and authority to draw and impanel jurors for service in such courts so
90 as to have jurors for the trial of cases before any such judges separately or before each of
91 them at the same time.

92 **SECTION 10.**

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

96 **SECTION 11.**

97 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
98 superior courts of the Gwinnett Judicial Circuit may bear teste in the name of any judge of
99 the Gwinnett Judicial Circuit and, when issued by and in the name of any judge of such
100 circuit, shall be fully valid and may be heard and determined before the same or any other
101 judge of such circuit. Any judge of such circuit may preside over any case therein and
102 perform any official act as judge thereof.

103 **SECTION 12.**

104 Upon request of any judge of the circuit, the governing authorities of the counties comprising
105 the Gwinnett Judicial Circuit shall be authorized to furnish the judges of such circuit with
106 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
107 supplies, and such personnel as may be considered necessary by the court to the proper
108 functioning of the court. All of the expenditures authorized in this Act are declared to be an
109 expense of the court and payable out of the county treasury as such.

110 **SECTION 13.**

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

115 **SECTION 14.**

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

119 **SECTION 15.**

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