

The Senate Committee on Judiciary offered the following substitute to HB 1215:

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

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17

PART I

18

SECTION 1-1.

19 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
20 judges of superior courts, is amended by revising paragraph (24) as follows:

21 "(24) Middle Circuit ~~2~~ 3"

22

SECTION 1-2.

23 One additional judge of the superior courts is added to the Middle Judicial Circuit, thereby
24 increasing to three the number of judges of said circuit.

25

SECTION 1-3.

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

35

SECTION 1-4.

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

41 **SECTION 1-5.**

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

49 **SECTION 1-6.**

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

57 **SECTION 1-7.**

58 The chief judge of the Middle Judicial Circuit shall be elected from among the judges by
59 majority vote of the total number of judges voting. In the event no judge obtains a majority
60 of the vote after three ballots, the chief judge shall be the eligible judge having the most
61 seniority. The term for a chief judge shall be two years, and a person may be elected to
62 successive terms. The chief judge shall be vested with the power to make all appointments
63 whenever the law provides for the superior court judge to make appointments, except as
64 herein provided.

65

SECTION 1-8.

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

88

SECTION 1-9.

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

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

94 **SECTION 1-10.**

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

98 **SECTION 1-11.**

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

105 **SECTION 1-12.**

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

112 **SECTION 1-13.**

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

117 **PART II**

118 **SECTION 2-1.**

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

121 "(26) Northeastern Circuit ~~5~~ 6"

122 **SECTION 2-2.**

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

125 **SECTION 2-3.**

126 Said additional judge shall be appointed by the Governor for a term beginning
127 January 1, 2027, and continuing through December 31, 2028, and until his or her successor
128 is elected and qualified. His or her successor shall be elected in the manner provided by law
129 for the election of judges of the superior courts of this state at the nonpartisan judicial
130 election in 2028 for a term of four years beginning on January 1, 2029, and until his or her
131 successor is elected and qualified. Future successors shall be elected at the nonpartisan
132 judicial election every four years thereafter for terms of four years and until their successors
133 are elected and qualified. The newly elected and qualified judge shall take office on the first
134 day of January following the date of the election.

135

SECTION 2-4.

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

142

SECTION 2-5.

143 The qualifications of such additional judge and his or her successors shall be the same as are
144 now provided by law for all other superior court judges, and his or her compensation, salary,
145 and expense allowance from the State of Georgia and from the counties comprising the
146 Northeastern Judicial Circuit shall be the same as are now provided by law for the other
147 superior court judges of such circuit. The provisions, if any, enacted for the supplementation
148 by the counties of such circuit of the salary of the judges of the superior courts of the
149 Northeastern Judicial Circuit shall also be applicable to the additional judge provided for by
150 this Act.

151

SECTION 2-6.

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

159

SECTION 2-7.

160 Upon and after qualification of the additional judge of the superior courts of the Northeastern
161 Judicial Circuit, the judges of such circuit may adopt, promulgate, amend, and enforce such
162 rules of practice and procedure in consonance with the Constitution and laws of the State of
163 Georgia as they deem suitable and proper for the effective transaction of the business of the
164 court; and, in transacting the business of the court and in performing their duties and
165 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
166 each judge. In the event of a disagreement among the judges in respect hereof, the decision
167 of a majority shall control, or, in the absence of a majority, the decision of the chief judge
168 shall be controlling. The judges of the superior courts of the Northeastern Judicial Circuit
169 shall have and are clothed with full power, authority, and discretion to determine from time
170 to time and term to term the manner of calling the dockets, fixing the calendars, and order
171 of business in such courts. They may assign to one such judge the hearing of trials by jury
172 for a term and the hearing of all other matters not requiring a trial by jury to the other judges,
173 and they may rotate such order of business at the next term. They may conduct trials by jury
174 at the same time in the same county or otherwise within such circuit, or they may hear
175 chambers business and motion business at the same time at any place within such circuit.
176 They may provide in all respects for holding the superior courts of such circuit so as to
177 facilitate the hearing and determination of all the business of such courts at any time pending
178 and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and
179 disposing of the business of such courts and making appointments as authorized by law
180 where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge
181 as provided for in this Act shall control.

182

SECTION 2-8.

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

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

188 **SECTION 2-9.**

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

192 **SECTION 2-10.**

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

199 **SECTION 2-11.**

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

206 **SECTION 2-12.**

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

211 **PART III**

212 **SECTION 3-1.**

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

215 "(20) Gwinnett Circuit † 12"

216 **SECTION 3-2.**

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

219 **SECTION 3-3.**

220 Said additional judge shall be appointed by the Governor for a term beginning
221 January 1, 2027, and continuing through December 31, 2028, and until his or her successor
222 is elected and qualified. His or her successor shall be elected in the manner provided by law
223 for the election of judges of the superior courts of this state at the nonpartisan judicial
224 election in 2028 for a term of four years beginning on January 1, 2029, and until his or her
225 successor is elected and qualified. Future successors shall be elected at the nonpartisan
226 judicial election every four years thereafter for terms of four years and until their successors
227 are elected and qualified. The newly elected and qualified judge shall take office on the first
228 day of January following the date of the election.

229

SECTION 3-4.

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

235

SECTION 3-5.

236 The qualifications of such additional judge and his or her successors shall be the same as are
237 now provided by law for all other superior court judges, and his or her compensation, salary,
238 and expense allowance from the State of Georgia and from the counties comprising the
239 Gwinnett Judicial Circuit shall be the same as are now provided by law for the other superior
240 court judges of such circuit. The provisions, if any, enacted for the supplementation by the
241 counties of such circuit of the salary of the judges of the superior courts of the Gwinnett
242 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

243

SECTION 3-6.

244 All writs and processes in the superior courts of the Gwinnett Judicial Circuit shall be
245 returnable to the terms of such superior courts as they are now fixed and provided by law,
246 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
247 held in the same manner as though there were but one judge, it being the intent and purpose
248 of this Act to provide all judges equal in jurisdiction and authority to attend and perform the
249 functions, powers, and duties of the judges of such superior courts and to direct and conduct
250 all hearings and trials in such courts.

251

SECTION 3-7.

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

260

SECTION 3-8.

261 Upon and after qualification of the additional judge of the superior courts of the Gwinnett
262 Judicial Circuit, the judges of such circuit may adopt, promulgate, amend, and enforce such
263 rules of practice and procedure in consonance with the Constitution and laws of the State of
264 Georgia as they deem suitable and proper for the effective transaction of the business of the
265 court; and, in transacting the business of the court and in performing their duties and
266 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
267 each. In the event of a disagreement among the judges in respect hereof, the decision of a
268 majority shall control, or, in the absence of a majority, the decision of the chief judge shall
269 be controlling. The judges of the superior courts of the Gwinnett Judicial Circuit shall have
270 and are clothed with full power, authority, and discretion to determine from time to time and
271 term to term the manner of calling the dockets, fixing the calendars, and order of business
272 in such courts. They may assign to one such judge the hearing of trials by jury for a term and
273 the hearing of all other matters not requiring a trial by jury to the other judges, and they may
274 rotate such order of business at the next term. They may conduct trials by jury at the same
275 time in the same county or otherwise within such circuit, or they may hear chambers business
276 and motion business at the same time at any place within such circuit. They may provide in

277 all respects for holding the superior courts of such circuit so as to facilitate the hearing and
278 determination of all the business of such courts at any time pending and ready for trial or
279 hearing. In all such matters relating to the fixing, arranging for, and disposing of the
280 business of such courts and making appointments as authorized by law where the judges
281 thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for
282 in this Act shall control.

283 **SECTION 3-9.**

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

289 **SECTION 3-10.**

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

293 **SECTION 3-11.**

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

300 **SECTION 3-12.**

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

307 **SECTION 3-13.**

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

312 **PART IV**

313 **SECTION 4-1.**

314 (a) Part I of this Act shall become effective for the purposes of appointing the additional
315 judge upon its approval by the Governor or upon its becoming law without such approval,
316 and for all other purposes on January 1, 2027.

317 (b) Part II of this Act shall become effective for the purposes of appointing the additional
318 judge upon its approval by the Governor or upon its becoming law without such approval,
319 and for all other purposes on January 1, 2027.

320 (c) Part III of this Act shall become effective for the purposes of appointing the additional
321 judge upon its approval by the Governor or upon its becoming law without such approval,
322 and for all other purposes on January 1, 2027.

323

SECTION 4-2.

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