

House Bill 304 (AS PASSED HOUSE AND SENATE)

By: Representatives Yearta of the 152<sup>nd</sup>, Gullett of the 19<sup>th</sup>, Gunter of the 8<sup>th</sup>, Kelley of the 16<sup>th</sup>, Reeves of the 99<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 municipal courts, so as to provide for the office of senior municipal court judge; to provide  
3 for qualifications, application and approval procedures, and amenities and privileges of such  
4 judges; to preserve local actions establishing senior judges for particular municipal courts;  
5 to create the Georgia Municipal Court Clerks' Council; to provide for definitions; to provide  
6 for the membership, powers, and duties of the council; to provide for funding of the council;  
7 to provide for the status of the council and its members; to provide for related matters; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal  
12 courts, is amended in Code Section 36-32-40, relating to creation of council, membership and  
13 organization, purpose, expenses, contracts, assistance to council, members not ineligible to  
14 hold office of judge and notifications, by revising subsection (a) as follows:

15 "(a) There is created a council of municipal court judges to be known as the 'Council of  
16 Municipal Court Judges of Georgia.' The council shall be composed of the judges of the

17 municipal courts of this state together with the senior municipal court judges of this state  
18 as provided for in Code Section 36-32-42. The council is authorized to organize itself and  
19 to develop a constitution and bylaws. The officers of said council shall consist of a  
20 president, a first vice president, a second vice president, a secretary, a treasurer, and such  
21 other officers as the council shall deem necessary. The council shall have an executive  
22 committee composed of two representatives from each judicial administrative district."

23 **SECTION 2.**

24 Said chapter is further amended by adding a new Code section to read as follows:

25 "36-32-42.

26 (a) There is created the office of senior municipal court judge of this state. Any former  
27 judge of a municipal court of this state or any former judge of a court of this state  
28 exercising municipal court jurisdiction may apply to become a senior municipal court judge  
29 if such former judge is no longer serving as a municipal court judge and had previously  
30 served in such capacity for an aggregate period of not less than ten years. The president  
31 of the Council of Municipal Court Judges, shall prescribe the form for such applications,  
32 review applications, and notify applicants as to whether or not he or she will be appointed  
33 as a senior municipal court judge. The approval or denial of an application shall be made  
34 within 30 days of the submission of such application.

35 (b)(1) A senior municipal court judge appointed pursuant to subsection (a) of this Code  
36 section shall:

37 (A) Comply with the mandatory training required by subsection (c) of Code Section  
38 36-32-27 in order to maintain the status as a certified municipal court judge or a  
39 certified judge of a court exercising municipal court jurisdiction;

40 (B) Be licensed to practice law in the State of Georgia; and

41 (C) Be an active member in good standing of the State Bar of Georgia.

42 (2) Any former municipal court judge who is not licensed to practice law in this state  
 43 may apply for senior municipal court judge status if such former judge otherwise meets  
 44 the qualifications required by Code Section 36-32-1.1.

45 (c) A senior municipal court judge shall not be required to pay any support or registration  
 46 fees related to the mandatory training required by subparagraph (b)(1)(A) of this Code  
 47 section, but such judge shall be responsible for all other costs attendant to said mandatory  
 48 training.

49 (d) Senior municipal court judges shall enjoy all of the amenities and privileges of judges  
 50 of other classes of courts of this state that are otherwise accorded to municipal court judges.  
 51 Senior municipal court judges shall not be required to sit as a judge in any court or be  
 52 required to comply with the requirements of subsection (b) of this Code section in order  
 53 to enjoy the amenities and privileges accorded pursuant to this Code section.

54 (e) This Code section shall not supersede any local law, Act, ordinance, resolution, or  
 55 other official action by a municipality establishing the office of senior judge of a particular  
 56 municipal court."

57 **SECTION 3.**

58 Said chapter is further amended by adding a new article to read as follows:

59 "ARTICLE 4

60 36-32-50.

61 (a) As used in this Code section, the term:

62 (1) 'Council' means the Georgia Municipal Court Clerks' Council.

63 (2) 'Municipal court staff' means the primary person most directly responsible for the  
 64 administration of a municipal court, other than a judge of the municipal court, and his or  
 65 her support staff.

66 (b) There is created the Georgia Municipal Court Clerks' Council. The council shall be  
67 composed of the municipal court staff of all municipal courts within this state. The council  
68 is authorized to organize itself and to develop a constitution and bylaws. The council is  
69 authorized to elect such officers, including an executive committee, as it shall deem  
70 advisable to carry out its duties and responsibilities. The council is authorized to appoint  
71 advisory committees and establish the membership and duties thereof. In addition to the  
72 members of the council, the council is authorized to provide for special classes of  
73 nonvoting memberships for honorary members and those persons who have retired from  
74 positions involving the administration and management of municipal courts.

75 (c) It shall be the purpose of the council to effectuate the responsibilities conferred upon  
76 it by law, to further the improvement of the municipal courts and the administration of  
77 justice, to assist the municipal court staff throughout the state in the execution of their  
78 duties, and to promote and assist in the training of municipal court staff.

79 (d) Expenses of the administration of the council shall be paid from state funds  
80 appropriated for such purpose and from other appropriate sources.

81 (e) The council shall be a legal entity and an agency of the State of Georgia; shall have  
82 perpetual existence; may contract; may own property; may accept funds, grants, and gifts  
83 from any public or private source for use in defraying the expenses of the council; may  
84 adopt and use an official seal; may establish a principal office; may employ such  
85 administrative or clerical personnel as may be necessary and appropriate to fulfill its  
86 necessary duties; and shall have other powers, privileges, and duties as may be reasonable  
87 and necessary for the proper fulfillment of its purposes and duties.

88 (f) A member of the council shall not be ineligible to hold the office of municipal court  
89 staff by virtue of his or her position as a member of the council and membership in the  
90 council shall not constitute the holding of a public office."

91

**SECTION 4.**

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