

House Bill 1215 (AS PASSED HOUSE AND SENATE)

By: Representatives Parrish of the 158th, Jackson of the 128th, Hagan of the 156th, and Prince of the 132nd

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

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**

20 **SECTION 1-1.**

21 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
22 judges of superior courts, is amended by revising paragraphs (3), (10), and (24) as follows:

23 "(3) Atlanta Circuit ~~20~~ 21"

24 "(10) Clayton Circuit ~~5~~ 6"

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

26 **SECTION 1-2.**

27 One additional judge of the superior courts is added to each of the Atlanta Judicial Circuit,
28 the Clayton Judicial Circuit, and the Middle Judicial Circuit, thereby increasing to 21, six,
29 and three, respectively, the number of judges of each such circuit.

30 **SECTION 1-3.**

31 Such additional judges shall be, subject to appropriations, appointed by the Governor for a
32 term beginning January 1, 2027, and continuing through December 31, 2028, and until their
33 respective successors are elected and qualified. Such respective successors shall be elected
34 in the manner provided by law for the election of judges of the superior courts of this state
35 at the nonpartisan judicial election in 2028 for a term of four years beginning on January 1,
36 2029, and until his or her successor is elected and qualified. Future successors shall be
37 elected at the nonpartisan judicial election every four years thereafter for terms of four years
38 and until their successors are elected and qualified. The newly elected and qualified judges
39 shall each take office on the first day of January following the date of the election.

40 **SECTION 1-4.**

41 The additional judges of the superior courts of the Atlanta Judicial Circuit, the Clayton
42 Judicial Circuit, and the Middle Judicial Circuit, respectively, shall have and may exercise
43 all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of
44 the superior courts of this state. Any judge of the Atlanta Judicial Circuit, the Clayton
45 Judicial Circuit, or the Middle Judicial Circuit may preside over any cause, whether in his
46 or her own or in other circuits, and perform any official act as judge thereof, including sitting
47 on appellate courts as provided by law.

48 **SECTION 1-5.**

49 The qualifications of such additional judges and his or her respective successors shall be the
50 same as are now provided by law for all other superior court judges, and his or her respective
51 compensation, salary, and expense allowance from the State of Georgia and from the
52 counties comprising the Atlanta Judicial Circuit, the Clayton Judicial Circuit, and the Middle
53 Judicial Circuit, respectively shall be the same as are now provided by law for the other
54 superior court judges of such circuit. The provisions, if any, enacted for the supplementation
55 by the counties of such circuits, respectively, of the salary of the judges of the superior courts
56 of the Atlanta Judicial Circuit, the Clayton Judicial Circuit, and the Middle Judicial Circuit,
57 respectively shall also be applicable to the additional judges provided for by this Act.

58 **SECTION 1-6.**

59 All writs and processes in the superior courts of the Atlanta Judicial Circuit, the Clayton
60 Judicial Circuit, and the Middle Judicial Circuit, respectively shall be returnable to the terms
61 of such superior courts as they are now fixed and provided by law, or as they may hereafter
62 be fixed or determined by law, and all terms of such courts shall be held in the same manner
63 as though there were but one judge, it being the intent and purpose of this Act to provide all
64 judges equal in jurisdiction and authority to attend and perform the functions, powers, and

65 duties of the judges of such superior courts and to direct and conduct all hearings and trials
66 in such courts.

67 **SECTION 1-7.**

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

75 **SECTION 1-8.**

76 Upon and after qualification of the additional judges of the superior courts of the Atlanta
77 Judicial Circuit, the Clayton Judicial Circuit, and the Middle Judicial Circuit, respectively,
78 the judges of such circuits, respectively, may adopt, promulgate, amend, and enforce such
79 rules of practice and procedure in consonance with the Constitution and laws of the State of
80 Georgia as they deem suitable and proper for the effective transaction of the business of the
81 courts, respectively;; and, in transacting the business of the courts, respectively, and in
82 performing their duties and responsibilities, they shall share, divide, and allocate the work
83 and duties to be performed by each judge. In the event of a disagreement among the judges
84 in respect hereof, the decision of a majority shall control, or, in the absence of a majority, the
85 decision of the chief judge shall be controlling. The judges of the superior courts of the
86 Atlanta Judicial Circuit, the Clayton Judicial Circuit, and the Middle Judicial Circuit,
87 respectively shall have and are clothed with full power, authority, and discretion to determine
88 from time to time and term to term the manner of calling the dockets, fixing the calendars,
89 and order of business in such courts. They may assign to one such judge the hearing of trials

90 by jury for a term and the hearing of all other matters not requiring a trial by jury to the other
91 judges, and they may rotate such order of business at the next term. They may conduct trials
92 by jury at the same time in the same county or otherwise within such circuits, respectively,,
93 or they may hear chambers business and motion business at the same time at any place within
94 such circuits, respectively,. They may provide in all respects for holding the superior courts
95 of such circuits, respectively, so as to facilitate the hearing and determination of all the
96 business of such courts at any time pending and ready for trial or hearing. In all such matters
97 relating to the fixing, arranging for, and disposing of the business of such courts and making
98 appointments as authorized by law where the judges thereof cannot agree or shall differ, the
99 opinion or order of the chief judge as provided for in this Act shall control.

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SECTION 1-9.

101 The drawing and impaneling of all jurors, whether grand, petit, or special, may be conducted
102 by any of the judges of the superior courts of such circuits, respectively,; and they, or any one
103 such judge, shall have full power and authority to draw and impanel jurors for service in such
104 courts so as to have jurors for the trial of cases before any such judges separately or before
105 each of them at the same time.

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SECTION 1-10.

107 The judges of the superior courts of the Atlanta Judicial Circuit, the Clayton Judicial Circuit,
108 and Middle Judicial Circuit, respectively, shall be authorized and empowered to appoint an
109 additional court reporter for each such circuit, whose respective compensation shall
110 be as now or hereafter provided by law.

111

SECTION 1-11.

112 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
113 superior courts of the Atlanta Judicial Circuit, the Clayton Judicial Circuit, and the Middle

114 Judicial Circuit, respectively, may bear teste in the name of any judge of each such circuit,
 115 respectively, and, when issued by and in the name of any such judge, shall be fully valid and
 116 may be heard and determined before the same or any other judge of the same circuit. Any
 117 judge of each such circuit, respectively, may preside over any case therein and perform any
 118 official act as judge thereof.

119 **SECTION 1-12.**

120 Upon request of any judge of the circuit, the governing authorities of the counties comprising
 121 the Atlanta Judicial Circuit, the Clayton Judicial Circuit, and the Middle Judicial Circuit,
 122 respectively shall be authorized to furnish the judges of such circuits, respectively, with
 123 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
 124 supplies, and such personnel as may be considered necessary by the court to the proper
 125 functioning of the court. All of the expenditures authorized in this Act are declared to be an
 126 expense of the court and payable out of the county treasury as such.

127 **SECTION 1-13.**

128 Except as expressly stated, nothing in this Act shall be construed to alter or repeal any
 129 provision of any local Act relating to the Atlanta Judicial Circuit, the Clayton Judicial
 130 Circuit, and the Middle Judicial Circuit, respectively. Nothing in this Act shall be deemed
 131 to limit or restrict the inherent powers, duties, and responsibilities of superior court judges
 132 provided by the Constitution and statutes of the State of Georgia.

133 **PART II**

134 **SECTION 2-1.**

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

137 "(26) Northeastern Circuit 5 6"

138 **SECTION 2-2.**

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

141 **SECTION 2-3.**

142 Said additional judge shall be appointed by the Governor for a term beginning
143 January 1, 2027, and continuing through December 31, 2028, and until his or her successor
144 is elected and qualified. His or her successor shall be elected in the manner provided by law
145 for the election of judges of the superior courts of this state at the nonpartisan judicial
146 election in 2028 for a term of four years beginning on January 1, 2029, and until his or her
147 successor is elected and qualified. Future successors shall be elected at the nonpartisan
148 judicial election every four years thereafter for terms of four years and until their successors
149 are elected and qualified. The newly elected and qualified judge shall take office on the first
150 day of January following the date of the election.

151 **SECTION 2-4.**

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

158 **SECTION 2-5.**

159 The qualifications of such additional judge and his or her successors shall be the same as are
160 now provided by law for all other superior court judges, and his or her compensation, salary,
161 and expense allowance from the State of Georgia and from the counties comprising the

162 Northeastern Judicial Circuit shall be the same as are now provided by law for the other
163 superior court judges of such circuit. The provisions, if any, enacted for the supplementation
164 by the counties of such circuit of the salary of the judges of the superior courts of the
165 Northeastern Judicial Circuit shall also be applicable to the additional judge provided for by
166 this Act.

167 **SECTION 2-6.**

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

175 **SECTION 2-7.**

176 Upon and after qualification of the additional judge of the superior courts of the Northeastern
177 Judicial Circuit, the judges of such circuit may adopt, promulgate, amend, and enforce such
178 rules of practice and procedure in consonance with the Constitution and laws of the State of
179 Georgia as they deem suitable and proper for the effective transaction of the business of the
180 court; and, in transacting the business of the court and in performing their duties and
181 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
182 each judge. In the event of a disagreement among the judges in respect hereof, the decision
183 of a majority shall control, or, in the absence of a majority, the decision of the chief judge
184 shall be controlling. The judges of the superior courts of the Northeastern Judicial Circuit
185 shall have and are clothed with full power, authority, and discretion to determine from time
186 to time and term to term the manner of calling the dockets, fixing the calendars, and order

187 of business in such courts. They may assign to one such judge the hearing of trials by jury
188 for a term and the hearing of all other matters not requiring a trial by jury to the other judges,
189 and they may rotate such order of business at the next term. They may conduct trials by jury
190 at the same time in the same county or otherwise within such circuit, or they may hear
191 chambers business and motion business at the same time at any place within such circuit.
192 They may provide in all respects for holding the superior courts of such circuit so as to
193 facilitate the hearing and determination of all the business of such courts at any time pending
194 and ready for trial or hearing. In all such matters relating to the fixing, arranging for, and
195 disposing of the business of such courts and making appointments as authorized by law
196 where the judges thereof cannot agree or shall differ, the opinion or order of the chief judge
197 as provided for in this Act shall control.

198 **SECTION 2-8.**

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

204 **SECTION 2-9.**

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

208 **SECTION 2-10.**

209 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
210 superior courts of the Northeastern Judicial Circuit may bear teste in the name of any judge

211 of the Northeastern Judicial Circuit and, when issued by and in the name of any judge of such
212 circuit, shall be fully valid and may be heard and determined before the same or any other
213 judge of such circuit. Any judge of such circuit may preside over any case therein and
214 perform any official act as judge thereof.

215 **SECTION 2-11.**

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

222 **SECTION 2-12.**

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

227 **PART III**

228 **SECTION 3-1.**

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

231 "(20) Gwinnett Circuit †† 12"

232 **SECTION 3-2.**

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

235 **SECTION 3-3.**

236 Said additional judge shall be appointed by the Governor for a term beginning
237 January 1, 2027, and continuing through December 31, 2028, and until his or her successor
238 is elected and qualified. His or her successor shall be elected in the manner provided by law
239 for the election of judges of the superior courts of this state at the nonpartisan judicial
240 election in 2028 for a term of four years beginning on January 1, 2029, and until his or her
241 successor is elected and qualified. Future successors shall be elected at the nonpartisan
242 judicial election every four years thereafter for terms of four years and until their successors
243 are elected and qualified. The newly elected and qualified judge shall take office on the first
244 day of January following the date of the election.

245 **SECTION 3-4.**

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

251 **SECTION 3-5.**

252 The qualifications of such additional judge and his or her successors shall be the same as are
253 now provided by law for all other superior court judges, and his or her compensation, salary,
254 and expense allowance from the State of Georgia and from the counties comprising the
255 Gwinnett Judicial Circuit shall be the same as are now provided by law for the other superior
256 court judges of such circuit. The provisions, if any, enacted for the supplementation by the

257 counties of such circuit of the salary of the judges of the superior courts of the Gwinnett
258 Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

259 **SECTION 3-6.**

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

267 **SECTION 3-7.**

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

276 **SECTION 3-8.**

277 Upon and after qualification of the additional judge of the superior courts of the Gwinnett
278 Judicial Circuit, the judges of such circuit may adopt, promulgate, amend, and enforce such
279 rules of practice and procedure in consonance with the Constitution and laws of the State of
280 Georgia as they deem suitable and proper for the effective transaction of the business of the

281 court; and, in transacting the business of the court and in performing their duties and
282 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
283 each. In the event of a disagreement among the judges in respect hereof, the decision of a
284 majority shall control, or, in the absence of a majority, the decision of the chief judge shall
285 be controlling. The judges of the superior courts of the Gwinnett Judicial Circuit shall have
286 and are clothed with full power, authority, and discretion to determine from time to time and
287 term to term the manner of calling the dockets, fixing the calendars, and order of business
288 in such courts. They may assign to one such judge the hearing of trials by jury for a term and
289 the hearing of all other matters not requiring a trial by jury to the other judges, and they may
290 rotate such order of business at the next term. They may conduct trials by jury at the same
291 time in the same county or otherwise within such circuit, or they may hear chambers business
292 and motion business at the same time at any place within such circuit. They may provide in
293 all respects for holding the superior courts of such circuit so as to facilitate the hearing and
294 determination of all the business of such courts at any time pending and ready for trial or
295 hearing. In all such matters relating to the fixing, arranging for, and disposing of the
296 business of such courts and making appointments as authorized by law where the judges
297 thereof cannot agree or shall differ, the opinion or order of the chief judge as provided for
298 in this Act shall control.

299 **SECTION 3-9.**

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

305 **SECTION 3-10.**

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

309 **SECTION 3-11.**

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

316 **SECTION 3-12.**

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

323 **SECTION 3-13.**

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

328 **PART IV**

329 **SECTION 4-1.**

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

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

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

339 **SECTION 4-2.**

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