

House Bill 999 (AS PASSED HOUSE AND SENATE)

By: Representatives Leverett of the 123rd, Oliver of the 84th, Evans of the 57th, Gunter of the 8th, New of the 40th, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 5 of Chapter 10 of Title 15 the Official Code of Georgia Annotated,
 2 relating to fees and costs of magistrate courts, so as to revise provisions related to magistrate
 3 courts collecting sums and fees authorized by law; to amend an Act to amend Chapter 10 of
 4 Title 15 of the Official Code of Georgia Annotated, relating to magistrate courts, so as to
 5 provide for nonpartisan election of magistrates, approved May 14, 2025 (Ga. L. 2025, p.
 6 780), so as to correct a scrivener's error in the automatic repealer in said Act related to a
 7 constitutional amendment for the nonpartisan election of judges of the probate court; to
 8 provide legislative intent; to amend Code Section 15-10-2 of the Official Code of Georgia
 9 Annotated, relating to general jurisdiction and authority of magistrates to act, so as to revise
 10 the limitation on civil claims that may be considered by a magistrate court; to provide for
 11 related matters; to provide for effective dates and applicability; to repeal conflicting laws;
 12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Article 5 of Chapter 10 of Title 15 the Official Code of Georgia Annotated, relating to fees
 16 and costs of magistrate courts, is amended by revising Code Section 15-10-80, relating to

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17 filling fees, service of process costs, writ of fieri facias fees, and costs taxed to losing party,
18 as follows:

19 "15-10-80.

20 (a) Upon filing any civil action, the plaintiff shall pay a filing deposit as established by
21 local court rule not to exceed \$22.00 which shall cover all costs of the action except service
22 of process.

23 (b) Upon filing any civil action, the plaintiff shall pay the actual cost of serving each party
24 required to be served but not more than the amount of the fee charged by sheriffs for
25 serving process for each party to be served.

26 (c) For issuing a writ of fieri facias, the fee charged shall be \$4.00 which shall be paid by
27 the person requesting the same. Such fee shall be charged and collected
28 contemporaneously with or prior to the issuance of the writ of fieri facias but not before the
29 entry of judgment in the action.

30 (d) As between the parties, costs shall be taxed against the losing party.

31 (e) All sums that may be collected pursuant to Code Section 15-23-7 and all other sums
32 required by law shall be in addition to the fees provided for in this Code section, and this
33 article shall not affect the collection of such other sums or fees as authorized by law."

34

SECTION 2.

35 (a) It is the intention of the General Assembly to correct a scrivener's error in the automatic
36 repealer in an Act to amend Chapter 10 of Title 15 of the Official Code of Georgia
37 Annotated, relating to magistrate courts, so as to provide for nonpartisan election of
38 magistrates, approved May 14, 2025 (Ga. L. 2025, p. 780), so as to revise the section
39 providing that the entire Act shall be automatically repealed if an amendment to the
40 Constitution of Georgia providing that all judges of the probate court shall be elected in
41 nonpartisan elections is not ratified prior to January 1, 2027, shall only apply to the section
42 of the bill amending Code Section 21-2-139, relating to nonpartisan elections authorized and

43 conduct, as effective on January 1, 2027, by making conforming changes required by the
44 approval of such constitutional amendment.

45 (b) An Act to amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated,
46 relating to magistrate courts, so as to provide for nonpartisan election of magistrates,
47 approved May 14, 2025 (Ga. L. 2025, p. 780), is amended by revising subsection (b) of
48 Section 5 as follows:

49 "(b) Section 4 of this Act shall become effective on January 1, 2027, following the
50 ratification of an amendment to the Constitution of Georgia providing that all judges of the
51 probate court shall be elected in nonpartisan elections; provided, however, that to the extent
52 this Act conflicts with law in effect at the time of ratification, this Act and such amendment
53 shall control, and to the extent such law is not in conflict, the law in effect at the time of
54 ratification shall control and shall remain in full force and effect. If such amendment is not
55 so ratified, then Section 4 of this Act shall stand automatically repealed."

56 **SECTION 3.**

57 Code Section 15-10-2 of the Official Code of Georgia Annotated, relating to general
58 jurisdiction and authority of magistrates to act, is amended by revising paragraph (5) as
59 follows:

60 "(5) The trial of civil claims including garnishment and attachment in which exclusive
61 jurisdiction is not vested in the superior court and the amount demanded or the value of
62 the property claimed does not exceed ~~\$15,000.00~~ \$25,000.00, provided that no
63 prejudgment attachment may be granted;"

64 **SECTION 4.**

65 (a) Except as provided for in subsection (b) of this section, this Act shall become effective
66 on July 1, 2026.

67 (b) Section 3 of this Act shall become effective on January 1, 2027, and shall apply to any
68 actions filed on or after such date.

69 **SECTION 5.**

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