

House Bill 443 (AS PASSED HOUSE AND SENATE)

By: Representatives Willard of the 51<sup>st</sup>, Geisinger of the 48<sup>th</sup>, Jones of the 47<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Dudgeon of the 25<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for the appointment of magistrates in Fulton County, approved  
2 March 18, 1983 (Ga. L. 1983, p. 4373), as amended, so as to provide that the successor to  
3 the chief magistrate judge of the Magistrate Court of Fulton County currently serving shall  
4 be appointed by the Governor; to provide that after one four-year term, the chief magistrate  
5 shall be elected in nonpartisan elections; to provide for the appointment of magistrates; to  
6 provide for the assignment of responsibilities; to provide for the filling of vacancies; to  
7 provide for submission of this Act for preclearance under the federal Voting Rights Act of  
8 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act providing for the appointment of magistrates in Fulton County, approved March 18,  
13 1983 (Ga. L. 1983, p. 4373), as amended, is amended by revising Section 2 as follows:

14 "SECTION 2.

15 (a) The chief magistrate and all other magistrates of Fulton County holding office on the  
16 effective date of this Act shall continue to serve for the remainder of their terms.

17 (b) The chief magistrate serving on the effective date of this Act shall continue to serve  
18 for the remainder of his or her term and until a successor has been duly appointed. The  
19 chief magistrate shall be eligible to succeed himself or herself. His or her successor shall  
20 be appointed by the Governor and shall serve a term of four years. Thereafter, the chief  
21 magistrate shall be elected at the nonpartisan general election held immediately preceding  
22 expiration of the term of office and conducted as provided for in Code Section 21-2-139  
23 of the O.C.G.A. A vacancy in the office of chief magistrate shall be filled for the  
24 remainder of the unexpired term by a majority vote of the judges of the Superior Court of  
25 Fulton County and a majority vote of the judges of the State Court of Fulton County.

26 (c) The chief magistrate shall appoint all other magistrates and shall fill any vacancies in  
27 such office through appointment with the approval of a majority vote of the judges of the  
28 Superior Court of Fulton County and a majority vote of the judges of the State Court of  
29 Fulton County. The chief magistrate may assign responsibilities among the magistrates.

30 (d) The judges of the Superior Court of Fulton County and the State Court of Fulton  
31 County may, by majority vote, increase the number of full-time and part-time magistrates,  
32 subject to the approval of the governing authority of Fulton County of available  
33 appropriated funds, and place reasonable restrictions on the practice of law in the circuit  
34 for persons serving as part-time magistrates.

35 (e) Judicial officers who sit as magistrate judges in the superior court and only handle  
36 Family Division matters, including, without limitation, child support and family violence  
37 cases, shall continue to be appointed, managed, and assigned pursuant to internal operating  
38 procedures adopted by the judges of the Superior Court of Fulton County.

39 (f) To be eligible to serve as a magistrate judge, a person shall:

40 (1) Be and have been a member in good standing of the State Bar of Georgia for not less  
41 than seven years prior to qualifying for or being appointed to such office;

42 (2) Be at least 30 years of age;

43 (3) Be and have been a resident of Fulton County for not less than one year prior to  
44 qualifying for or being appointed to such office; and

45 (4) Be and have been a citizen of the United States for not less than three years prior to  
46 qualifying for or being appointed to such office.

47 **SECTION 2.**

48 The governing authority of Fulton County shall through its legal counsel cause this Act to  
49 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no  
50 later than 45 days after the date on which this Act is approved by the Governor or otherwise  
51 becomes law without such approval.

52 **SECTION 3.**

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