

House Bill 804 (AS PASSED HOUSE AND SENATE)

By: Representatives Mabra of the 63rd, Glanton of the 75th, Douglas of the 78th, Scott of the 76th, Stovall of the 74th, and others

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 fifth judge of the superior courts
3 of the Clayton Judicial Circuit; to provide for the appointment of such additional judge by
4 the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to provide for the manner of impaneling jurors; to provide for an additional court
8 reporter for such circuit; to authorize the governing authority of the counties that comprise
9 the Clayton Judicial Circuit to provide facilities, office space, supplies, equipment, and
10 personnel for such judges; to declare inherent authority; to provide for related matters; to
11 repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 SECTION 1.

14 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
15 judges of superior courts, is amended by revising paragraph (10) as follows:

16 "(10) Clayton Circuit 4 5"

17 SECTION 2.

18 One additional judge of the superior courts is added to the Clayton Judicial Circuit, thereby
19 increasing to five the number of judges of said circuit.

20 SECTION 3.

21 Said additional judge shall be appointed by the Governor for a term beginning January 1,
22 2017, and continuing through December 31, 2018, and until his or her successor is elected
23 and qualified. His or her successor shall be elected in the manner provided by law for the
24 election of judges of the superior courts of this state at the nonpartisan judicial election

25 in 2018, for a term of four years beginning on January 1, 2019, and until his or her successor
26 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
27 election each four years after such election for terms of four years and until their successors
28 are elected and qualified. They shall take office on the first day of January following the date
29 of the election.

30 **SECTION 4.**

31 The additional judge of the superior courts of the Clayton Judicial Circuit shall have and may
32 exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present
33 judges of the superior courts of this state. Any of the judges of the Clayton Judicial Circuit
34 may preside over any cause, whether in their own or in other circuits, and perform any
35 official act as judge thereof, including sitting on appellate courts as provided by law.

36 **SECTION 5.**

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

44 **SECTION 6.**

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

52 **SECTION 7.**

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

58 **SECTION 8.**

59 The five judges of the superior courts of the Clayton Judicial Circuit shall be authorized and
60 empowered to appoint an additional court reporter for such circuit, whose compensation shall
61 be as now or hereafter provided by law.

62 **SECTION 9.**

63 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
64 superior courts of the Clayton Judicial Circuit may bear teste in the name of any judge of the
65 Clayton Judicial Circuit and, when issued by and in the name of any judge of such circuit,
66 shall be fully valid and may be heard and determined before the same or any other judge of
67 such circuit. Any judge of such circuit may preside over any case therein and perform any
68 official act as judge thereof.

69 **SECTION 10.**

70 Upon request of any judge of the circuit, the governing authorities of the counties comprising
71 the Clayton Judicial Circuit shall be authorized to furnish the judges of such circuit with
72 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
73 supplies, and such personnel as may be considered necessary by the court to the proper
74 function of the court. All of the expenditures authorized in this Act are declared to be an
75 expense of the court and payable out of the county treasury as such.

76 **SECTION 11.**

77 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
78 responsibilities of superior court judges provided by the Constitution and statutes of the State
79 of Georgia.

80 **SECTION 12.**

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