

House Bill 786 (AS PASSED HOUSE AND SENATE)

By: Representatives Welch of the 110th, Douglas of the 78th, Rutledge of the 109th, Holly of the 111th, Mathiak of the 73rd, 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 an eleventh judge of the superior
3 courts of the Cobb Judicial Circuit; a fourth judge of the superior courts of the Flint Judicial
4 Circuit; and a fourth judge of the superior courts of the Ogeechee Judicial Circuit; to provide
5 for the appointment of such additional judges by the Governor; to provide for the election
6 of successors to the judges initially appointed; to prescribe the powers of such judges; to
7 prescribe the compensation, salary, and expense allowance of such judges to be paid by the
8 State of Georgia and the counties comprising such circuits; to require candidates for such
9 judgeships to designate the seat for which they are running; to authorize the judges of such
10 circuits to divide and allocate the work and duties thereof; to provide for chief judge; to
11 provide for the manner of impaneling jurors; to provide for an additional court reporter; to
12 authorize the governing authority of the counties that provide such circuits to provide
13 facilities, office space, supplies, equipment, and personnel for such judges; to declare
14 inherent authority; to provide effective dates; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 PART I
18 SECTION 1-1.

19 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
20 judges of superior courts, is amended by striking paragraphs (11), (18), and (30) and
21 inserting in their place new paragraphs to read as follows:

- 22 "(11) Cobb Circuit ~~11~~"
- 23 "(18) Flint Circuit ~~34~~"
- 24 "(30) Ogeechee Circuit ~~34~~"

25

PART II

26

SECTION 2-1.

27 One additional judge of the superior courts is added to the Cobb Judicial Circuit, thereby
28 increasing to 11 the number of judges of said circuit.

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SECTION 2-2.

30 Said additional judge shall be appointed by the Governor for a term beginning
31 January 1, 2022, and expiring December 31, 2024, and until a successor is elected and
32 qualified. All subsequent successors to such judge shall be elected at the nonpartisan judicial
33 election conducted in the year in which the term of office shall expire for a term of four years
34 and until his or her successor is duly elected and qualified. Each such judge shall take office
35 on the first day of January following the date of his or her election. Such elections shall be
36 held and conducted as is now or may hereafter be provided by law for the election of judges
37 of the superior courts of the State of Georgia.

38

SECTION 2-3.

39 Such additional judge of the superior courts of the Cobb Judicial Circuit shall have and may
40 exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present
41 judges of the superior courts of this state. Any of the judges of the Cobb Judicial Circuit of
42 Georgia may preside over any case therein and perform any official act as judge thereof.

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SECTION 2-4.

44 The compensation, salary, and contingent expense allowance of such additional judge shall
45 be the same as that for the other judges of the Cobb Judicial Circuit. Any salary supplements
46 paid by the county of such circuit shall also be applicable to the additional judge provided
47 for in this Act.

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SECTION 2-5.

49 Except as expressly stated, this Act shall not be construed to alter or repeal any provision of
50 any local Act relating to the Cobb Judicial Circuit.

51

PART III

52

SECTION 3-1.

53 One additional judge of the superior courts is added to the Flint Judicial Circuit, thereby
54 increasing to four the number of judges of said circuit.

55 **SECTION 3-2.**

56 Said additional judge shall be appointed by the Governor for a term beginning
57 January 1, 2022, and expiring December 31, 2024, and until a successor is elected and
58 qualified. All subsequent successors to such judge shall be elected at the nonpartisan judicial
59 election conducted in the year in which the term of office shall expire for a term of four years
60 and until his or her successor is duly elected and qualified. Each such judge shall take office
61 on the first day of January following the date of his or her election. Such elections shall be
62 held and conducted as is now or may hereafter be provided by law for the election of judges
63 of the superior courts of the State of Georgia.

64 **SECTION 3-3.**

65 Every person who offers for election as a judge of such superior courts of the Flint Judicial
66 Circuit shall designate with the proper authority in all general elections the specific seat for
67 which such person offers by naming the incumbent judge whom he or she desires to succeed
68 and thereupon such person shall be permitted, if otherwise qualified, to run for such
69 designated judgeship and no other. In the event that there is no incumbent judge in the seat
70 for which such person desires to offer, the person shall qualify by announcing his or her
71 intention to run for the office for which there is no incumbent.

72 **SECTION 3-4.**

73 Such additional judge of the superior courts of the Flint Judicial Circuit provided for in this
74 Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
75 immunities of the present judges of the superior courts of this state. Any of the judges of
76 such courts may preside over any cause, whether in their own or in other circuits, and
77 perform any official act as judge thereof, including sitting on appellate courts as provided by
78 law.

79 **SECTION 3-5.**

80 The qualifications of each additional judge and his or her successors shall be the same as are
81 now provided by law for all other superior court judges, and his or her compensation, salary,
82 and expense allowance from the State of Georgia and from the county of such circuit shall
83 be the same as that of other judges of the superior courts of the Flint Judicial Circuit. The
84 salary supplements enacted by the county of such circuit for the present superior court judges
85 of such circuit shall also be applicable to the additional judge provided by this Act.

86 **SECTION 3-6.**

87 All writs and processes in the superior courts of the Flint Judicial Circuit shall be returnable
88 to the terms of such superior courts as they are now fixed and provided by law, or as they
89 may hereafter be fixed or determined by law, and all terms of such courts shall be held in the
90 same manner as though there were but one judge, it being the intent and purpose of this Act
91 to provide the four judges of such circuit with equal jurisdiction and authority to attend to
92 and perform the functions, powers, and duties of the judges of such superior courts and to
93 direct and conduct all hearings and trials in such courts.

94 **SECTION 3-7.**

95 The judge of such superior courts who has seniority with regard to length of continuous
96 service as a superior court judge shall be the chief judge of the Flint Judicial Circuit. Such
97 chief judge shall be responsible for the administration and expeditious disposition of the
98 business of the superior courts of such circuit, both civil and criminal, and shall have power
99 to make such rules as he or she shall deem necessary or proper for such purpose but not in
100 conflict with the general laws of this state, which rules, when approved by such chief judge
101 and filed in the office of the clerk of the superior court of Henry County within the Flint
102 Judicial Circuit, shall be binding upon the other judge or judges of such circuit. The chief
103 judge shall be vested with the power to make all appointments whenever the law provides
104 for a superior court judge to make appointments. Such chief judge may by published rule,
105 or from time to time by order, allocate the jurisdiction and powers of the superior courts of
106 said circuit and the duties of the judges thereof; may assign to the other judges of said circuit
107 such business of said circuit as the chief judge shall deem appropriate; may make and publish
108 calendars, both civil and criminal; may require reports from the clerks of court of said circuit
109 and from other judges of said circuit relative to business of the courts; and generally shall
110 supervise and direct the disposition of all business, both civil and criminal, of such courts.

111 **SECTION 3-8.**

112 The drawing and impaneling of all jurors, whether grand, petit, or special, may be conducted
113 by any of the judges of the superior courts of Flint Judicial Circuit; and they, or each of them,
114 shall have full power and authority to draw and impanel jurors for service in such courts so
115 as to have jurors for the trial of cases before any of such judges separately or before each of
116 them at the same time.

117 **SECTION 3-9.**

118 The chief judge of the Flint Judicial Circuit shall be authorized to employ an additional court
119 reporter for such duties and for such compensation as the chief judge sees fit, up to and

120 including, but not exceeding, the remuneration of the present court reporters of such circuit,
121 as the same is now fixed or may hereafter be fixed by law. The additional judge shall have
122 the right to select and approve the individual to fill said position, and said court reporter shall
123 be assigned to him or her.

124 **SECTION 3-10.**

125 All writs, processes, orders, subpoenas, and any other official papers issued from the superior
126 courts of the Flint Judicial Circuit may bear teste in the name of any judge of such circuit
127 and, when issued by and in the name of any judge of such circuit, shall be fully valid and
128 may be held and determined before the same or any other judge of such circuit. Any judge
129 of such courts may preside over any cause therein and perform any official act as judge
130 thereof.

131 **SECTION 3-11.**

132 The governing authority of Henry County shall provide the judges of the Flint Judicial
133 Circuit with suitable courtrooms and facilities, office space, telephones, furniture, office
134 equipment, supplies, and such personnel as may be considered necessary to the proper
135 functioning of the courts. All of the expenditures authorized in this Act are declared to be
136 an expense of the court and payable out of the county treasury as such.

137 **SECTION 3-12.**

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

141 **PART IV.**

142 **SECTION 4-1.**

143 One additional judge of the superior courts is added to the Ogeechee Judicial Circuit, thereby
144 increasing to four the number of judges of said circuit.

145 **SECTION 4-2.**

146 Said additional judge of the superior courts of the Ogeechee Judicial Circuit provided for in
147 this Act shall be appointed by the Governor for a term beginning January 1, 2022, and
148 expiring December 31, 2024, and until a successor is elected and qualified. At the
149 nonpartisan judicial election to be held in 2024, there shall be elected a successor to the first
150 additional judge appointed as provided for above, and he or she shall take office on the first

151 day of January, 2025, and serve for a term of office of four years and until a successor is duly
152 elected and qualified. All subsequent successors to such judge shall be elected at the
153 nonpartisan judicial election conducted in the year in which the term of office shall expire
154 for a term of four years and until his or her successor is duly elected and qualified. Such
155 judges shall take office on the first day of January following the date of their election. Such
156 elections shall be held and conducted as is now or may hereafter be provided by law for the
157 election of judges of the superior courts of the State of Georgia.

158 **SECTION 4-3.**

159 Every person who offers for election as one of the judges of such superior courts of the
160 Ogeechee Judicial Circuit shall designate with the proper authority in all general elections
161 the specific seat for which such person offers by naming the incumbent judge whom he or
162 she desires to succeed and thereupon such person shall be permitted, if otherwise qualified,
163 to run for such designated judgeship and no other. In the event that there is no incumbent
164 judge in the seat for which such person desires to offer, the person shall qualify by
165 announcing his or her intention to run for the office for which there is no incumbent.

166 **SECTION 4-4.**

167 Such additional judge of the superior courts of the Ogeechee Judicial Circuit provided for in
168 this Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
169 immunities of the present judges of the superior courts of this state. Any of the judges of
170 such courts may preside over any cause, whether in their own or in other circuits, and
171 perform any official act as judge thereof, including sitting on appellate courts as provided by
172 law.

173 **SECTION 4-5.**

174 The qualifications of such additional judge and his or her successors shall be the same as are
175 now provided by law for all other superior court judges, and his or her compensation, salary,
176 and expense allowance from the State of Georgia and from the counties of such circuit shall
177 be the same as that of other judges of the superior courts of the Ogeechee Judicial Circuit.
178 The salary supplements enacted by the counties of such circuit for the present superior court
179 judges of such circuit shall also be applicable to the additional judge provided by this Act.

180 **SECTION 4-6.**

181 All writs and processes in the superior courts of the Ogeechee Judicial Circuit shall be
182 returnable to the terms of such superior courts as they are now fixed and provided by law,
183 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
184 held in the same manner as though there were but one judge, it being the intent and purpose
185 of this Act to provide the four judges of such circuit with equal jurisdiction and authority to
186 attend to and perform the functions, powers, and duties of the judges of such superior courts
187 and to direct and conduct all hearings and trials in such courts.

188 **SECTION 4-7.**

189 The four judges of the superior courts of the Ogeechee Judicial Circuit, in transacting the
190 business of such courts and in performing their duties and responsibilities, shall share, divide,
191 and allocate the work and duties to be performed by each. In the event of a disagreement
192 among such judges in any respect, the decision of the senior judge in point of service, who
193 shall be known as the chief judge, shall be controlling. The chief judge shall have the right
194 to appoint judges of the juvenile courts in the counties included in such circuit. The four
195 judges of the superior courts of the Ogeechee Judicial Circuit shall have and are clothed with
196 full power, authority, and discretion to determine from time to time, and term to term, the
197 manner of calling the dockets and fixing the calendars and order of business in such courts.
198 In all such matters relating to the manner of fixing, arranging for, and disposing of the
199 business of such courts, and making appointments as authorized by law, wherein the judges
200 thereof cannot agree or differ, the opinion or order of the chief judge as defined in this Act
201 shall control.

202 **SECTION 4-8.**

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

208 **SECTION 4-9.**

209 The four judges of the superior courts of the Ogeechee Judicial Circuit shall be authorized
210 and empowered to employ an additional court reporter for such circuit whose compensation
211 shall be as now or hereafter provided by law.

212 **SECTION 4-10.**

213 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
214 superior courts of the Ogeechee Judicial Circuit may bear teste in the name of any judge of
215 such circuit and, when issued by and in the name of any judge of such circuit, shall be fully
216 valid and may be held and determined before the same or any other judge of such circuit.
217 Any judge of such courts may preside over any cause therein and perform any official act as
218 judge thereof.

219 **SECTION 4-11.**

220 The governing authorities of the counties included in the Ogeechee Judicial Circuit shall
221 provide the judges of such circuit with suitable courtrooms and facilities, office space,
222 telephones, furniture, office equipment, supplies, and such personnel as may be considered
223 necessary to the proper functioning of the courts. All of the expenditures authorized in this
224 Act are declared to be an expense of the court and payable out of the county treasury as such.

225 **SECTION 4-12.**

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

229 **PART V**

230 **SECTION 5-1.**

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

234 **SECTION 5-2.**

235 (a) For purposes of making the initial appointment of the judge to fill the superior court
236 judgeships created by this Act, this Act shall become effective upon its approval by the
237 Governor or its becoming law without such approval.

238 (b) For all other purposes, this Act shall become effective on January 1, 2022.

239 **SECTION 5-3.**

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