

House Bill 798 (AS PASSED HOUSE AND SENATE)

By: Representatives Mathiak of the 82nd and Camp of the 135th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act establishing the State Court of Spalding County, formerly known as the
2 City Court of Griffin, approved December 14, 1897 (Ga. L. 1897, p. 462), as amended, so
3 as to modernize, update, and readopt provisions governing such court and its judges, clerk,
4 solicitor-general, and other personnel; to reauthorize the collection of fees; to specify the
5 location of the court and provide for facilities therefor; to provide for jurisdiction, powers,
6 practice, and procedure; to provide for terms of court; to specify business hours of the court;
7 to restate provisions related to juries and jurors; provide for an additional judge for such
8 court; to provide for the appointment of such additional judge of such court; to provide for
9 the election of successors; to provide for a chief judge; to revise the compensation of the
10 judges; to restate provisions related to the sentence enforcement department and
11 accountability court; to provide for appeals from such court; to provide for the review of
12 decisions by lower courts; to provide for related matters; to provide for effective dates; to
13 repeal specific Acts; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing the State Court of Spalding County, formerly known as the City Court of Griffin, approved December 14, 1897 (Ga. L. 1897, p. 462), as amended, is amended by repealing all of its existing sections and provisions and replacing them as follows:

"SECTION 1.

(a) The State Court of Spalding County, originally established as the City Court of Griffin by an Act approved December 14, 1897 (Ga. L. 1897, p. 462), as amended, is continued in existence and shall have the power, jurisdiction, and method of procedure as provided by Chapter 7 of Title 15 of the O.C.G.A.

(b) As used in this Act, the term 'State Court' means the State Court of Spalding County.

SECTION 2.

The State Court of Spalding County shall be located in the county site of Spalding County in facilities provided by the governing authority of Spalding County.

SECTION 3.

The State Court of Spalding County shall have such rules of practice and procedure as provided by Chapter 7 of Title 15 of the O.C.G.A. or by rules promulgated by the Supreme Court of Georgia.

SECTION 4.

The State Court of Spalding County shall have identical terms to the Spalding County Superior Court as stated in Code Section 15-6-3 of the O.C.G.A. in the county site of Spalding County and such terms remain open for the transaction of business until the next succeeding term. If the date fixed for the convening of any term is a legal holiday, then that term shall begin on the next day thereafter which is not a legal holiday. Said court

shall at all times be open for the purpose of receiving pleas in criminal cases and passing sentence thereon and for the transaction of civil business before the court.

SECTION 5.

The clerk of the State Court shall be required to keep his or her office open the same hours for business as the Clerk of the Superior Court of Spalding County.

SECTION 6.

(a) The clerk of the State Court shall be entitled to charge and collect the same fees as the Clerk of the Superior Court of Spalding County is entitled to charge and collect for the same or similar services pursuant to state law. All such fees shall be paid into the county treasury, except those sums which are directed by law to be paid otherwise.

(b) The clerk of the State Court shall be entitled to charge and collect a technology fee to be set by the chief judge of the State Court in an amount not to exceed \$5.00 for the filing of each civil action and not to exceed \$5.00 as a surcharge for each fine assessed by the State Court. Technology fees shall be used to provide for the technological needs of the court at the direction of the chief judge. Such uses shall include the following:

(1) Computer hardware and software purchases;

(2) Lease, maintenance, and installation of computer hardware and software, including the cost of training court personnel to use said hardware and software;

(3) Purchase, lease, maintenance, and installation of technologies, including, but not limited to, technologies related to imaging, scanning, cellular, facsimile, teletype, bluetooth, communication, projection, printing, audio-visual, telephonic, and other electronic equipment and technology purchases; and

(4) Any items for supporting the above referenced items. The funds collected pursuant to this subsection shall be maintained in a segregated fund by the clerk of the State Court

and titled 'State Court Technology Fund' and shall be used only for the purposes authorized in this subsection at the direction of the chief judge of the State Court.

SECTION 7.

All prosecutions in criminal cases instituted in the State Court of Spalding County shall be by written accusation, uniform traffic citation, or summons as provided for by Code Section 17-7-71 of the O.C.G.A.

SECTION 8.

Any cases tried in the State Court of Spalding County shall be subject to review by the Court of Appeals or the Supreme Court of Georgia, whichever court has jurisdiction, in the same manner and under the same rules of appellate procedure as apply to cases in the Superior Court of Spalding County.

SECTION 9.

(a) Traverse jurors shall be drawn, selected, chosen, and summoned for service in the State Court of Spalding County under procedures established by the judges and as prescribed by state law. Jurors in said State Court shall receive the same per diem compensation for service therein as in the Superior Court of Spalding County and shall be paid by Spalding County in the same manner and out of like funds as jurors are paid in the Superior Court of Spalding County unless ordered otherwise by the chief judge of the State Court.

(b) For the trial of any case in the State Court of Spalding County requiring the use of jurors, a jury pool is created. Jurors may be selected as prescribed by law by judges of the State Court of Spalding County to appear to be sworn and serve as jurors before either court.

(c) The jury for the trial of all civil cases tried in the State Court of Spalding County shall be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.

Peremptory strikes in civil cases shall be exercised in the manner prescribed in Chapter 12 of Title 15 of the O.C.G.A.

(d) The jury for the trial of all criminal cases tried in the State Court of Spalding County shall be composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A. Peremptory strikes in criminal cases shall be exercised in the manner prescribed in Chapter 12 of Title 15 of the O.C.G.A.

SECTION 10.

(a) Until January 1, 2026, there shall be one judge of the State Court of Spalding County. The judge of the State Court in office immediately preceding the date upon which this Act becomes effective shall continue to serve the term of office to which he or she was elected, which shall expire December 31, 2028, and upon the election and qualification of his or her successor. For the four-year term commencing January 1, 2029, the position shall be on the ballot for nonpartisan election to be held and conducted jointly with the general primary in 2028 and quadrennially thereafter pursuant to Code Section 21-2-138 of the O.C.G.A., and this position shall be referred to as Judicial Post 1.

(b) As of January 1, 2026, there shall be two judges of the State Court of Spalding County. The second judge shall be added effective January 1, 2026, and shall be appointed by the Governor for an initial term of office ending on December 31, 2028, and until his or her successor is elected and qualified. The successor to said judge shall be elected by the qualified voters of Spalding County at a nonpartisan election to be held and conducted jointly with the general primary in 2028 and quadrennially thereafter pursuant to Code Section 21-2-138 of the O.C.G.A., and this position shall be Judicial Post 2. The judge thus elected to Judicial Post 2 shall serve a term of office of four years and until his or her successor is elected and qualified. This position shall be referred to as Judicial Post 2.

(c) The judges of said court shall have such qualifications and shall be subject to such restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. They shall

be vested with all the power and authority of the judges of the state courts by Chapter 7 of Title 15 of the O.C.G.A.

(d) Both the chief judge of the State Court and the associate judge of the State Court shall devote their full time to the duties of said office. The chief judge of the State Court shall be paid an annual salary equal to 90 percent of the total annual salary of the chief judge of the Superior Court of Spalding County, including the base salary and all supplements paid to the chief judge of the Superior Court by the counties in the judicial circuit, which includes Spalding County. Said salary shall be payable out of the funds of Spalding County at the same intervals as are paid to other judges and elected officials. The associate judge shall be paid an annual salary of 100 percent of the chief judge.

(e) There shall be a chief judge of the State Court of Spalding County effective January 1, 2026, who shall be the judge with the longest continuous service as judge in the State Court. The chief judge shall have responsibility for both the criminal and civil dockets and shall promulgate rules in relation to execution of these responsibilities.

(f) The chief judge shall not receive an annual supplement in addition to his or her salary except as otherwise provided in Section 13 of this Act.

SECTION 11.

(a) There shall be a Solicitor-General of the State Court of Spalding County. The solicitor-general in office immediately preceding the effective date this Act shall continue to serve the term to which that person was elected, which shall expire December 31, 2026, and upon the election and qualification of a successor. That and all future successors to solicitor-general of the State Court of Spalding County whose terms of office are to expire shall be nominated and elected in partisan elections immediately preceding such expiration of term, shall take office the first day of January immediately following such election, and shall serve for a term of office of four years and until the election and qualification of a successor.

(b) The solicitor-general of said court shall have such qualifications as provided in Article 3 of Chapter 18 of Title 15 of the O.C.G.A. and shall be subject to such restrictions and discipline as provided in Article 3 of Chapter 18 of Title 15 of the O.C.G.A. He or she shall have all the duties and authority of the solicitors-general of state courts provided by Article 3 of Chapter 18 of Title 15 of the O.C.G.A.

(c) The solicitor-general shall be paid an annual salary equal to 90 percent of the total annual salary of the chief judge of the State Court and shall devote his or her full time to the duties of said office. Said salary shall be payable out of the funds of Spalding County at the same intervals as installments are paid to other county judges and elected officials.

SECTION 12.

(a) The chief judge shall appoint the clerk of the State Court who shall serve at the pleasure of the chief judge of the State Court. The clerk of the State Court shall receive compensation in the amount of 80 percent of the annual salary of the chief judge. If the chief judge chooses the Clerk of the Superior Court of Spalding County as the clerk of the State Court, the superior court clerk shall become ex-officio clerk of the State Court of Spalding County, and such person shall be entitled to no additional compensation for services as such except as otherwise required by general law.

(b) The Sheriff of Spalding County shall be ex-officio sheriff of the State Court of Spalding County but shall be entitled to no additional compensation for services as such unless otherwise required by general law. All fees, costs, percentages, forfeitures, penalties, allowances, and other perquisites of whatever kind as may now or hereafter be allowed by law to be received or collected as compensation for services by said officials as officials of the State Court of Spalding County shall be received and diligently collected by said officials for the sole use of Spalding County and shall be held as public moneys belonging to Spalding County and accounted for and paid over to the fiscal authorities of

Spalding County by the tenth of each month, at which time a detailed itemized statement shall be made showing such collections and the sources from which collected.

SECTION 13.

(a) Spalding County shall continue to operate, fund, and support the Spalding County Sentence Enforcement Department (SCSE). The SCSE shall continue to be responsible for the supervision of all individuals ordered to be supervised by the State Court. The chief judge shall choose the director of the SCSE who shall serve at the pleasure of the chief judge.

(b) Spalding County shall fully support the State Court Accountability Court (SCAC). The chief judge shall choose the director of the SCAC who shall serve at the pleasure of the chief judge. If the chief judge operates a drug court division, mental health court division, veterans court division, or operating under the influence court division, the chief judge shall be paid an additional annual supplement of no less than \$6,300.00.

SECTION 14.

In the event a judge of the State Court of Spalding County is unable to preside in the court or is disqualified for any reason, then the judges may appoint a judge pro hac vice to serve in his or her absence. Such judge pro hac vice shall meet the same qualifications as a judge of the State Court of Spalding County.

SECTION 15.

The judges of the State Court of Spalding County may appoint an official stenographer for such court who shall report such cases as the court may require. He or she shall receive the same fees as allowed for similar services in the superior court which shall be taxed and enforced as in the superior court.

SECTION 16.

In the event of any dispute or difference of opinion between the State Court judges regarding any administrative or procedural issue related to the operation of the court, the opinion of the chief judge shall control.

SECTION 17.

The chief judge and solicitor-general of the State Court shall make applications to the Spalding County Board of Commissioners for the provision of necessary and reasonable expenses and staffing incurred and required by them in the operation of the court.

SECTION 18.

The State Court of Spalding County shall have the right to review decisions of lower courts as allowed by law."

SECTION 2.

For the purpose of appointing the initial associate judge under this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. For all other purposes, this Act shall become effective on January 1, 2026.

SECTION 3.

An Act approved November 29, 1899 (Ga. L. 1899, p. 493), an Act approved December 17, 1900 (Ga. L. 1900, p. 137), an Act approved December 17, 1901 (Ga. L. 1901, p. 133), an Act approved August 22, 1907 (Ga. L. 1907, p. 193), an Act approved July 29, 1912 (Ga. L. 1912, p. 235), an Act approved August 14, 1915 (Ga. L. 1915, p. 95), an Act approved August 16, 1916 (Ga. L. 1916, p. 224), an Act approved February 26, 1941 (Ga. L. 1941, p. 650), an Act approved February 21, 1951 (Ga. L. 1951, p. 2768), an Act approved February 8, 1955 (Ga. L. 1955, p. 2208), an Act approved March 17, 1960 (Ga. L. 1960, p. 2756), an

209 Act approved March 31, 1961 (Ga. L. 1961, p. 3410), an Act approved February 28, 1966
210 (Ga. L. 1966, p. 2210), an Act approved April 18, 1969 (Ga. L. 1969, p. 2876), an Act
211 approved February 20, 1974 (Ga. L. 1974, p. 2047), an Act approved March 13, 1978 (Ga.
212 L. 1978, p. 3441), an Act approved February 21, 1980 (Ga. L. 1980, p. 3048), an Act
213 approved April 6, 1981 (Ga. L. 1981, p. 4131), an Act approved March 14, 1984 (Ga. L.
214 1984, p. 4201), an Act approved March 19, 1987 (Ga. L. 1987, p. 4527), an Act approved
215 March 16, 2000 (Ga. L. 2000, p. 3528), an Act approved April 25, 2002 (Ga. L. 2002, p.
216 4278), an Act approved April 11, 2012 (Ga. L. 2012, p. 5335), and an Act approved May 3,
217 2016 (Ga. L. 2016, p. 4034), are repealed in their entirety.

218 **SECTION 4.**

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