

House Bill 28 (AS PASSED HOUSE AND SENATE)

By: Representatives Mathiak of the 73rd, Knight of the 130th, Pullin of the 131st, Bazemore of the 63rd, Stover of the 71st, 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 additional judge of the superior
3 courts of the Griffin Judicial Circuit; to provide for the appointment of such additional judge
4 by the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judges; to prescribe the compensation, salary, and expense
6 allowance of such judges to be paid by the State of Georgia and the counties included in such
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties
8 thereof; to require candidates for such judgeships to designate the seat for which they are
9 running; to provide for the manner of impaneling jurors; to provide for an additional court
10 reporter for such circuit; to authorize the governing authority of the counties included in such
11 circuit to provide facilities, office space, supplies, equipment, and personnel for such judges;
12 to declare inherent authority; to provide for related matters; to provide an effective date; to
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 SECTION 1.

16 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
17 judges of superior courts, is amended by revising paragraph (19) as follows:

18 "(19) Griffin Circuit 4 5"

19 SECTION 2.

20 The additional judge of the superior court of the Griffin Judicial Circuit provided for in this
21 Act shall be appointed by the Governor for a term beginning January 1, 2020, and expiring
22 December 31, 2022, and until a successor is elected and qualified. At the nonpartisan
23 judicial election to be held in 2022, there shall be elected a successor to the first additional
24 judge appointed as provided for above, and he or she shall take office on the first day of
25 January, 2023, and serve for a term of office of four years and until a successor is duly

26 elected and qualified. All subsequent successors to such judge shall be elected at the
27 nonpartisan judicial election conducted in the year in which the term of office shall expire
28 for a term of four years and until his or her successor is duly elected and qualified. Such
29 judges shall take office on the first day of January following the date of their election. Such
30 elections shall be held and conducted as is now or may hereafter be provided by law for the
31 election of judges of the superior courts of the State of Georgia.

32 **SECTION 3.**

33 Every person who offers for election as one of the judges of such superior court of the Griffin
34 Judicial Circuit shall designate with the proper authority in all general elections the specific
35 seat for which such person offers by naming the incumbent judge whom he or she desires to
36 succeed and thereupon such person shall be permitted, if otherwise qualified, to run for such
37 designated judgeship and no other. In the event that there is no incumbent judge in the seat
38 for which such person desires to offer, the person shall qualify by announcing his or her
39 intention to run for the office for which there is no incumbent.

40 **SECTION 4.**

41 The additional judge of the superior court of the Griffin Judicial Circuit provided for in this
42 Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
43 immunities of the present judges of the superior courts of this state. Any of the judges of
44 such court may preside over any cause, whether in their own or in other circuits, and perform
45 any official act as judge thereof, including sitting on appellate courts as provided by law.

46 **SECTION 5.**

47 The qualifications of such additional judge and his or her successors shall be the same as are
48 now provided by law for all other superior court judges, and his or her compensation, salary,
49 and expense allowance from the State of Georgia and from the counties of such circuit shall
50 be the same as that of other judges of the superior courts of the Griffin Judicial Circuit. The
51 salary supplements enacted by the counties of such circuit for the present superior court
52 judges of such circuit shall also be applicable to the additional judge provided by this Act.

53 **SECTION 6.**

54 All writs and processes in the superior courts of the Griffin Judicial Circuit shall be
55 returnable to the terms of such superior courts as they are now fixed and provided by law,
56 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
57 held in the same manner as through there were but one judge, it being the intent and purpose
58 of this Act to provide the five judges of such circuit with equal jurisdiction and authority to

59 attend to and perform the functions, powers, and duties of the judges of such superior courts
60 and to direct and conduct all hearings and trials in such courts.

61 **SECTION 7.**

62 The five judges of the superior courts for the Griffin Judicial Circuit, in transacting the
63 business of such courts and in performing their duties and responsibilities, shall share, divide,
64 and allocate the work and duties to be performed by each. In the event of a disagreement
65 among such judges in any respect, the decision of the senior judge in point of service, who
66 shall be known as the chief judge, shall be controlling. The chief judge shall have the right
67 to appoint judges of the juvenile courts in the counties included in such circuit. The five
68 judges of the superior courts of the Griffin Judicial Circuit shall have and are clothed with
69 full power, authority and discretion to determine from time to time, and term to term, the
70 manner of calling the dockets and fixing the calendars and order of business in such courts.
71 In all such matters relating to the manner of fixing, arranging for, and disposing of the
72 business of such courts, and making appointments as authorized by law, wherein the judges
73 thereof cannot agree or differ, the opinion or order of the chief judge as defined in this Act
74 shall control.

75 **SECTION 8.**

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

81 **SECTION 9.**

82 The five judges of the superior court of the Griffin Judicial Circuit shall be authorized and
83 empowered to employ an additional court reporter for such circuit whose compensation shall
84 be as now or hereafter provided by law.

85 **SECTION 10.**

86 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
87 superior court of the Griffin Judicial Circuit may bear teste in the name of any judge of such
88 circuit and, when issued by and in the name of any judge of such circuit, shall be fully valid
89 and may be held and determined before the same or any other judge of such circuit. Any
90 judge of such courts may preside over any cause therein and perform any official act as judge
91 thereof.

92 **SECTION 11.**

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

98 **SECTION 12.**

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

102 **SECTION 13.**

103 This Act shall become effective for the purpose of appointing the additional judge upon its
104 approval by the Governor or upon its becoming law without such approval and for all other
105 purposes on January 1, 2020.

106 **SECTION 14.**

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