

House Bill 21 (AS PASSED HOUSE AND SENATE)

By: Representatives Efration of the 104th, Marin of the 96th, Park of the 101st, Clark of the 98th, Kendrick of the 93rd, 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 Gwinnett Judicial Circuit; to provide for the appointment of such additional
4 judge by the Governor; to provide for the election of successors to the judge initially
5 appointed; to prescribe the powers of such judges; to prescribe the compensation, salary, and
6 expense allowance of such judges to be paid by the State of Georgia and the county which
7 comprises said circuit; to authorize the judges of such circuit to divide and allocate the work
8 and duties thereof; to provide for the election, term, and powers of the chief judge of the
9 circuit; 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 county which comprises
11 such circuit to provide facilities, office space, supplies, equipment, and personnel for such
12 judges; to declare inherent authority; to provide for related matters; to provide an effective
13 date; to 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 (20) as follows:

18 "(20) Gwinnett Circuit ~~10~~ 11"

19 **SECTION 2.**

20 The additional judge of the superior court of the Gwinnett Judicial Circuit provided for in
21 this Act shall be appointed by the Governor for a term beginning January 1, 2020, and
22 expiring December 31, 2022, and until a successor is elected and qualified. At the
23 nonpartisan judicial election to be held in 2022, there shall be elected a successor to the first
24 additional judge appointed as provided for above, and he or she shall take office on the first
25 day of 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 elections shall be held and conducted as is now or may hereafter be provided by law for the
30 election of judges of the superior courts of the State of Georgia.

31 **SECTION 3.**

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

37 **SECTION 4.**

38 The compensation, salary, and contingent expense allowance of said additional judge of the
39 superior court of the Gwinnett Judicial Circuit shall be the same as that of other judges of the
40 superior courts of Georgia. The additional judge shall also be paid a county supplement by
41 the county comprising such circuit in the same manner and to the same extent as the present
42 superior court judges of such circuit are paid.

43 **SECTION 5.**

44 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
45 superior court of the Gwinnett Judicial Circuit may bear teste in the name of any judge of
46 such circuit and, when issued by and in the name of any of said judges of such circuit, shall
47 be fully valid and may be held and determined before any judge of such circuit.

48 **SECTION 6.**

49 Upon and after qualification of the additional judge of the superior court of the Gwinnett
50 Judicial Circuit, the eleven judges of such court shall be authorized to adopt, promulgate,
51 amend, and enforce such rules of procedure in consonance with the Constitution and laws
52 of the State of Georgia as they deem suitable and proper for the effective transaction of the
53 business of the court; and, in transacting the business of the court and in performing their
54 duties and responsibilities, they shall divide and allocate the work and duties to be performed
55 by each. In the event of a disagreement between or among such judges affecting the duties
56 and responsibilities of the judges of the superior court of the Gwinnett Judicial Circuit, the
57 decision of the chief judge of the circuit shall be controlling.

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SECTION 7.

59 The chief judge of the Gwinnett Judicial Circuit shall be elected from among the judges by
60 majority vote of the total number of judges voting. In the event no judge obtains a majority
61 of the vote after three ballots, the chief judge shall be the eligible judge having the most
62 seniority. The term for a chief judge shall be two years, and a person may be elected to
63 successive terms. The chief judge shall be vested with the power to make all appointments
64 whenever the law provides for the superior court judge to make appointments, except as
65 herein provided.

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SECTION 8.

67 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of
68 the judges of the superior court of such circuit; and any such judge of the superior court of
69 such circuit shall have full power and authority to draw and impanel jurors for service in such
70 court so as to have jurors for the trial of cases before each of such judges separately or before
71 each of them at the same time.

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SECTION 9.

73 The eleven judges of the superior court of the Gwinnett Judicial Circuit shall be authorized
74 and empowered to employ an additional court reporter for such duties and for such
75 compensation as such judges see fit, up to and including, but not exceeding, the remuneration
76 of the present court reporters of the Gwinnett Judicial Circuit as the same is now fixed or
77 may hereafter be fixed.

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SECTION 10.

79 The governing authority of the county comprising the Gwinnett Judicial Circuit is fully
80 authorized and empowered to provide suitable courtrooms, jury rooms, and chambers for the
81 eleven judges of the superior court of the Gwinnett Judicial Circuit upon the recommendation
82 of such judges.

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SECTION 11.

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

87 **SECTION 12.**

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

91 **SECTION 13.**

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