

House Bill 300 (AS PASSED HOUSE AND SENATE)

By: Representatives Oliver of the 82nd, Stephenson of the 90th, Jacobs of the 80th, Mosby of the 83rd, Holcomb of the 81st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of DeKalb County, formerly known as the Civil
2 and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401),
3 as amended, so as to establish the traffic division of said court; to provide for judges; to
4 provide for initial terms and elections; to provide for the assignment of cases; to provide for
5 a solicitor and clerk; to provide for an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the State Court of DeKalb County, formerly known as the Civil and
10 Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as
11 amended, is amended by designating the existing text of such Act as Part 1 and by adding
12 thereafter a new Part 2 to read as follows:

13 *"Part 2*

14 Section 2-1.

15 There is created a division of the State Court of DeKalb County to be known as the 'traffic
16 division.' The traffic division of the state court shall be governed by the provisions of
17 general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating to state courts, and
18 by the additional provisions of this part.

19 Section 2-2.

20 (a) In addition to all other judges of the state court, there shall be four judges of the traffic
21 division who shall be known as associate judges of the state court. The qualifications and
22 election of the associate judges shall be as provided by general law.

23 (b) The initial associate judges shall be appointed by the Governor. Such initial associate
24 judges shall serve until January 1, 2017, and until their successors are duly elected and
25 qualified. Their successors shall be elected at the 2016 general election to serve terms of
26 four years. All such elections shall be as provided by general law.

27 (c) Except as specifically provided in this part, all provisions of this Act relating to the
28 judges of the state court shall be applicable to the associate judges of the traffic division.

29 (d) The four associate judges of the traffic division are designated as full-time judges and
30 may not engage in the private practice of law.

31 (e) Associate judges of the traffic division shall not be eligible to serve as senior judge of
32 the state court.

33 Section 2-3.

34 (a) The traffic division shall have a presiding associate judge who shall be one of the four
35 associate judges provided in Section 2-2. The initial presiding associate judge shall be
36 selected by the senior judge of the state court.

37 (b) The term of the presiding associate judge shall be for two years, or until the person
38 serving as presiding associate judge resigns the position or leaves the court, whichever time
39 is shorter. At the end of each term of the presiding associate judge, the position shall pass
40 for a term as provided in this subsection to the next associate judge as follows:

41 (1) The position of presiding associate judge shall pass to the next associate judge who has
42 served as presiding associate judge the fewest number of terms; and

43 (2) If more than one associate judge meet the criteria of paragraph (1) of this subsection,
44 then among or between them the position shall pass to the next associate judge who has
45 served as associate judge the longest time. For purposes of this paragraph, the order in
46 which the associate judges were first sworn in shall govern.

47 (c) No associate judge shall succeed himself or herself for an additional term as presiding
48 associate judge.

49 (d) The four associate judges, in performing their duties and responsibilities, shall share,
50 divide, and allocate the work and duties to be performed by each of them. In the event of
51 disagreement between the associate judges with respect to such matters, the decision of the
52 presiding associate judge shall govern.

53 (e) Notwithstanding any provision of this part to the contrary, the senior judge of the state
54 court shall have ultimate authority over all matters concerning the administration of the
55 traffic division.

56 Section 2-4.

57 (a) All cases involving violations of the traffic laws of the State of Georgia shall be assigned
58 to the state court.

59 (b) The senior judge of the state court may order that cases involving violations of the traffic
60 laws of the State of Georgia or any other matters within the jurisdiction of the state court be
61 assigned to the traffic division.

62 (c) The provisions of this section shall not limit the power of the associate judges to hear and
63 decide any matter within the jurisdiction of the state court, but the associate judges shall hear
64 and decide only such matters as are assigned to the traffic division by order of the senior
65 judge of the state court.

66 (d) This section shall not limit the power of the associate judges to punish contempts in the
67 same manner as any other judge of the state court.

68 Section 2-5.

69 The associate judges shall take an oath to faithfully administer and discharge the duties of
70 their offices in accordance with the Constitution and laws of the State of Georgia and the
71 Constitution of the United States, which oath may be administered by any officer authorized
72 under the laws of this state to administer oaths.

73 Section 2-6.

74 The solicitor of the state court shall be the solicitor of the traffic division.

75 Section 2-7.

76 The clerk of the state court shall be the clerk of the traffic division. All records of the
77 Recorder's Court of DeKalb County shall be transferred to and maintained by the clerk of the
78 state court."

79 **SECTION 2.**

80 This Act shall become effective upon its approval by the Governor or upon its becoming law
81 without such approval.

82 **SECTION 3.**

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