

House Bill 1157 (AS PASSED HOUSE AND SENATE)

By: Representatives England of the 116th, Kirby of the 114th, and Gaines of the 117th

A BILL TO BE ENTITLED
AN ACT

1 To create the State Court of Barrow County; to specify the location of the court and provide
2 for facilities therefor; to provide for jurisdiction, powers, practice, and procedure; to provide
3 for terms of court; to specify business hours of the court; to specify costs and fees; to provide
4 for transfer of certain matters from the Superior Court of Barrow County; to provide for
5 institution of criminal cases; to provide for appeals; to provide for selection, number, and
6 compensation of jurors; to provide for appointment, election, qualifications, and terms of
7 office of a judge of the court; to provide for restrictions and discipline of such judge and
8 powers and duties thereof; to provide for the appointment, election, qualifications, and terms
9 of office of a solicitor-general of the court and the powers and duties thereof; to provide for
10 a clerk and sheriff of the court and the duties thereof; to provide compensation for the judge,
11 solicitor-general, and other officers and staff of the court; to provide for a judge pro hac vice
12 and an official court stenographer; to provide for expenses for the court; to provide for
13 related matters; to provide for effective dates; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Effective January 1, 2021, there is created the State Court of Barrow County which shall
18 have the power, jurisdiction, and method of procedure as provided by Chapter 7 of Title 15
19 of the O.C.G.A.

20 style="text-align:center">**SECTION 2.**

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

23 **SECTION 3.**

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

27 **SECTION 4.**

28 The State Court of Barrow County shall have quarterly terms beginning on the second
29 Monday of January, April, July, and October in the county site of Barrow County, and such
30 terms shall remain open for the transaction of business until the next succeeding term. If the
31 date fixed for the convening of any term is a legal holiday, then that term shall begin on the
32 next day thereafter which is not a legal holiday. Such court shall at all times be open for the
33 purpose of receiving pleas of guilty in criminal cases and passing sentence thereon and for
34 the transaction of civil business before the court.

35 **SECTION 5.**

36 The clerk of the state court shall be required to keep his or her office open the same hours
37 for business as the clerk of the superior court.

38 **SECTION 6.**

39 The clerk of the state court shall be entitled to charge and collect the same fees as the clerk
40 of the superior court is entitled to charge and collect for the same or similar services. All
41 such fees shall be paid into the county treasury, except those sums which are directed by law
42 to be paid otherwise.

43 **SECTION 7.**

44 All misdemeanor criminal cases pending in the Superior Court of Barrow County, the
45 Probate Court of Barrow County, and the Magistrate Court of Barrow County on
46 January 1, 2021, shall be transferred to the State Court of Barrow County on such date and
47 shall thereafter stand for trial in such state court as though originally filed therein.

48 **SECTION 8.**

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

52 **SECTION 9.**

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

57 **SECTION 10.**

58 (a) Traverse jurors shall be drawn, selected, chosen, and summoned for service in the State
59 Court of Barrow County from the same jury list and from the same jury box and in the same
60 manner as is done in the superior court. Jurors in such state court shall receive the same per
61 diem compensation for service therein as in the Superior Court of Barrow County and shall
62 be paid by Barrow County in the same manner and out of like funds as jurors are paid in the
63 superior court.

64 (b) The jury for the trial of all civil cases tried in the State Court of Barrow County shall be
65 composed of the number of jurors set forth in Chapter 12 of Title 15 of the O.C.G.A.
66 Peremptory strikes in civil cases shall be exercised in the manner prescribed in Chapter 12
67 of Title 15 of the O.C.G.A.

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

72 **SECTION 11.**

73 (a) There shall be a judge of the State Court of Barrow County who shall be elected by the
74 qualified voters of Barrow County at the state-wide nonpartisan general election in 2022,
75 shall take office the first day of January immediately following such election, and shall serve
76 for a term of office of four years and until the election and qualification of a successor, as
77 provided by Chapter 7 of Title 15 and Title 21 of the O.C.G.A.; provided, however, that the
78 first judge shall be appointed by the Governor for a term of office beginning January 1, 2021,
79 and ending January 1, 2023, and until the election and qualification of a successor.

80 (b) The judge of such court shall have such qualifications and shall be subject to such
81 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. He or she
82 shall be vested with all the power and authority of the judges of the state courts by Chapter 7
83 of Title 15 of the O.C.G.A.

84 (c) The judge shall be a part-time judge, shall be paid an annual salary in an amount equal
85 to 45 percent of the state salary for judges of the superior court not including any local
86 supplements, and shall receive all legally required benefits. Such salary shall be payable out

87 of the funds of Barrow County at the same intervals as installments are paid to other county
88 employees. The governing authority of Barrow County may supplement such judge's salary.

89 **SECTION 12.**

90 (a) There shall be a solicitor-general of the State Court of Barrow County who shall be
91 elected by the qualified voters of Barrow County at the state-wide general election in
92 November, 2022, shall take office the first day of January immediately following such
93 election, and shall serve for a term of office of four years and until the election and
94 qualification of a successor, as provided by Article 3 of Chapter 18 of Title 15 and Title 21
95 of the O.C.G.A.; provided, however, that the first solicitor-general shall be appointed by the
96 Governor for a term of office beginning January 1, 2021, and ending January 1, 2023, and
97 until the election and qualification of a successor.

98 (b) The solicitor-general of such court shall have such qualifications as provided in Article 3
99 of Chapter 18 of Title 15 of the O.C.G.A. and shall be a part-time solicitor-general of such
100 court.

101 (c) The solicitor-general shall be paid an annual salary equal to 85 percent of the salary of
102 the state court judge, not including any local supplements, and shall receive all legally
103 required benefits. Such salary shall be payable out of the funds of Barrow County at the same
104 intervals as installments are paid to other county employees.

105 **SECTION 13.**

106 (a) The clerk of the Superior Court of Barrow County shall, by virtue of his or her office,
107 be the clerk of the State Court of Barrow County, and the sheriff of such county shall
108 likewise be the sheriff of such state court. The clerk shall provide all the necessary dockets,
109 writs, minute books, printed forms, and the like as will be necessary for such state court
110 which shall be paid for by Barrow County in like manner as such items in the superior court.

111 (b) The number and salaries of any necessary additional support staff for the clerk of the
112 superior court and the sheriff of Barrow County required to serve the State Court of Barrow
113 County shall be set by the Barrow County Board of Commissioners.

114 **SECTION 14.**

115 The governing authority of Barrow County is authorized to supplement the salary of the clerk
116 of the superior court in the amount of \$500.00 per month.

117 **SECTION 15.**

118 In the event the judge of the State Court of Barrow County is unable to preside in the court
119 or is disqualified for any reason, then the judge may appoint a judge pro hac vice to serve in

120 his or her absence. Such judge pro hac vice shall meet the same qualifications as the judge
121 of the State Court of Barrow County.

122 **SECTION 16.**

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

127 **SECTION 17.**

128 The judge and solicitor-general of the State Court of Barrow County shall make application
129 to the Barrow County Board of Commissioners for the provision of necessary and reasonable
130 expenses incurred by them in the operation of the court.

131 **SECTION 18.**

132 This Act shall become effective on January 1, 2021; provided, however, that for purposes of
133 making the initial appointments of the state court judge and solicitor-general elected by this
134 Act, this Act shall become effective upon its approval by the Governor or upon its becoming
135 law without such approval.

136 **SECTION 19.**

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