

House Bill 1560

By: Representatives Hugley of the 136th and Smyre of the 135th

A BILL TO BE ENTITLED
AN ACT

1 To create a new judicial circuit for the State of Georgia, to be known as the Muscogee
2 Judicial Circuit and to be composed of Muscogee County; to provide for the judges and the
3 district attorney of said new circuit and their terms, selection, and compensation; to transfer
4 certain judges from the Chattahoochee Judicial Circuit to the Muscogee Judicial Circuit; to
5 provide for the transfer of certain funds from the Chattahoochee Judicial Circuit to the
6 Muscogee Judicial Circuit; to provide for and allocate circuit-wide costs and expenditures;
7 to conform the county salary supplements for the judges of the Chattahoochee Judicial
8 Circuit; to amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia
9 Annotated, relating to general provisions regarding the superior courts, so as to revise the
10 composition and terms of court of the Chattahoochee Judicial Circuit; to provide for the
11 composition, terms of court, and number of judges of the Muscogee Judicial Circuit; to
12 provide for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

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16 Effective July 1, 2022, there is created a new judicial circuit of the superior courts of this
17 state to be known as the Muscogee Judicial Circuit, which circuit shall be composed of
18 Muscogee County. There shall be a district attorney and six judges of the Muscogee Judicial
19 Circuit. The offices of the judges and district attorney of the Muscogee Judicial Circuit shall
20 be subject to the following provisions:

21 (1) The district attorney of the Muscogee Judicial Circuit shall be appointed by the
22 Governor for a term beginning July 1, 2022, and expiring December 31, 2022. A
23 successor to the district attorney so appointed shall be elected by the voters of the
24 Muscogee Judicial Circuit at the 2022 general election, and at the general election
25 quadrennially thereafter, for a term of four years. A candidate for appointment or
26 election to this office in 2022 or thereafter shall be a resident of Muscogee County;

27 (2) The Honorable Maureen Gottfried, the Honorable Benjamin A. Land, the Honorable
28 Ron Mullins, the Honorable Bobby G. Peters, the Honorable William C. Rumer, and the
29 Honorable Arthur L. Smith III, currently judges of the Chattahoochee Judicial Circuit and
30 residents of Muscogee County, his or her successor, respectively, shall become judges
31 of the Muscogee Judicial Circuit. Each judge, respectively, shall serve out their current
32 term of office for which he or she was selected, and his or her successor shall be elected
33 by the voters of the Muscogee Judicial Circuit at the nonpartisan judicial election next
34 preceding the expiration of their term of office, and at the nonpartisan judicial election
35 quadrennially thereafter, for a term of four years. A candidate for election to these
36 offices shall be a resident of Muscogee County; and

37 (3) The active judge who is senior in time of service shall serve as chief judge of the
38 Muscogee Judicial Circuit.

39 **SECTION 1-2.**

40 All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court
41 of Muscogee County at such time as it was a part of the Chattahoochee Judicial Circuit,
42 including all complaints, pleadings, petitions, indictments, special presentments, summonses,
43 processes, motions, writs, and mesne and final proceedings, together with all books and
44 records of any kind or character belonging to or issued, returnable, filed, pending, or
45 commenced in such county, shall relate to, become a part of, and be transferred to the
46 Muscogee Judicial Circuit and its jurisdiction.

47 **SECTION 1-3.**

48 In addition to the salary and expenses paid from state funds, and notwithstanding any other
49 provision of law, each judge of the superior court of the Muscogee Judicial Circuit shall
50 receive from the funds of Muscogee County an additional supplement to such salary and
51 expenses in an amount equal to the aggregate total of additional supplements to the salary
52 and expenses of the judges of the Chattahoochee Judicial Circuit then in effect and paid by
53 the counties of the Chattahoochee Judicial Circuit on January 1, 2022.

54 **SECTION 1-4.**

55 In addition to the salary and expenses paid from state funds, the district attorney of the
56 Muscogee Judicial Circuit shall receive from the funds of Muscogee County an additional
57 supplement to such salary and expenses equal to the aggregate total of additional
58 supplements to the salary and expenses of the district attorney of the Chattahoochee Judicial
59 Circuit then in effect and paid by the counties of the Chattahoochee Judicial Circuit on
60 January 1, 2022.

61 **SECTION 1-5.**

62 The governing authority of Muscogee County shall be authorized, but not required, to
63 authorize the employment of assistant district attorneys, deputy district attorneys, or other
64 attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance
65 personnel, and other employees or independent contractors, as authorized under Code
66 Section 15-18-20 of the Official Code of Georgia Annotated.

67 **SECTION 1-6.**

68 (a) Effective with the creation of the Muscogee Judicial Circuit, the Chattahoochee Judicial
69 Circuit shall transfer to the Muscogee Judicial Circuit the sum equal to 25 percent of the
70 amount it holds as of January 1, 2022, for costs collected pursuant to Code Section 15-23-7
71 of the Official Code of Georgia Annotated for court connected or court referred alternative
72 dispute resolution programs.

73 (b) Effective with the creation of the Muscogee Judicial Circuit, the district attorney of the
74 Chattahoochee Judicial Circuit shall pay over to the district attorney of the Muscogee
75 Judicial Circuit the sum equal to the amount he or she holds as of January 1, 2022, that was
76 secured pursuant to condemnation or forfeiture actions from criminal cases that originated
77 from a violation of law in Muscogee County.

78 **SECTION 1-7.**

79 All staffing for all judicial circuits referenced herein shall be governed pursuant to Code
80 Section 15-18-28.

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PART II

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SECTION 2-1.

83 Effective with the creation of the Muscogee Judicial Circuit, the judge of the Chattahoochee
84 Judicial Circuit shall be composed of the one remaining judge of the Chattahoochee Judicial
85 Circuit, namely, the Honorable Gil McBride, and his successors. Such judge shall serve out
86 his current term of office for which he was selected, and his successor shall be elected by the
87 voters of the Chattahoochee Judicial Circuit at the nonpartisan judicial election next
88 preceding the expiration of their term of office, and at the nonpartisan judicial election
89 quadrennially thereafter, for a term of four years. A candidate for election to this office shall
90 be a resident of Chattahoochee County, Harris County, Marion County, Talbot County, or
91 Taylor County.

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SECTION 2-1A.

93 Effective upon the creation of the Muscogee Judicial Circuit, the district attorney of the
94 Chattahoochee Judicial Circuit shall be the Honorable Sheneka J. Terry and her successors.
95 Such district attorney shall serve out her current term of office for which she was elected, and
96 her successor shall be elected by the voters of the Chattahoochee Judicial Circuit at the
97 general election next preceding the expiration of his term of office, and at the general
98 election quadrennially thereafter, for a term of four years. A candidate for election to this
99 office shall be a resident of Chattahoochee County, Harris County, Marion County, Talbot
100 County, or Taylor County.

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SECTION 2-2.

102 (a) Except as provided for under Sections 2-3 and 2-4 of this Act:

103 (1) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee
104 Judicial Circuit shall be paid by Chattahoochee County;

- 105 (2) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee
106 Judicial Circuit shall be paid by Harris County;
- 107 (3) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee
108 Judicial Circuit shall be paid by Marion County;
- 109 (4) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee
110 Judicial Circuit shall be paid by Talbot County; and
- 111 (5) Twenty percent of the circuit-wide costs and expenditures of the Chattahoochee
112 Judicial Circuit shall be paid by Taylor County.
- 113 (b) The percentages provided for under subsection (a) of this section may be revised by an
114 agreement in writing executed among the governing authorities of Chattahoochee County,
115 Harris County, Marion County, Talbot County, and Taylor County.

116 **SECTION 2-3.**

117 (a) In addition to the salary and expenses paid from state funds, and notwithstanding any
118 other provision of law, each judge of the superior court of the Chattahoochee Judicial Circuit
119 shall receive from the funds of Chattahoochee County, Harris County, Marion County,
120 Talbot County, and Taylor County additional supplements in proportions provided for under
121 subsection (b) of this section.

122 (b)(1) Chattahoochee County shall pay an additional supplement equal to:

123 (A) The amount of the additional supplement to the salary and expenses of the judges
124 of the Chattahoochee Judicial Circuit then in effect and paid by Chattahoochee County
125 on January 1, 2022; and

126 (B) Twenty percent of the additional supplement to the salary and expenses of the
127 judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee
128 County on January 1, 2022.

129 (2) Harris County shall pay an additional supplement equal to:

130 (A) The amount of the additional supplement to the salary and expenses of the judges
131 of the Chattahoochee Judicial Circuit then in effect and paid by Harris County on
132 January 1, 2022; and

133 (B) Twenty percent of the additional supplement to the salary and expenses of the
134 judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee
135 County on January 1, 2022.

136 (3) Marion County shall pay an additional supplement equal to:

137 (A) The amount of the additional supplement to the salary and expenses of the judges
138 of the Chattahoochee Judicial Circuit then in effect and paid by Marion County on
139 January 1, 2022; and

140 (B) Twenty percent of the additional supplement to the salary and expenses of the
141 judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee
142 County on January 1, 2022.

143 (4) Talbot County shall pay an additional supplement equal to:

144 (A) The amount of the additional supplement to the salary and expenses of the judges
145 of the Chattahoochee Judicial Circuit then in effect and paid by Talbot County on
146 January 1, 2022; and

147 (B) Twenty percent of the additional supplement to the salary and expenses of the
148 judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee
149 County on January 1, 2022.

150 (5) Taylor County shall pay an additional supplement equal to:

151 (A) The amount of the additional supplement to the salary and expenses of the judges
152 of the Chattahoochee Judicial Circuit then in effect and paid by Taylor County on
153 January 1, 2022; and

154 (B) Twenty percent of the additional supplement to the salary and expenses of the
155 judges of the Chattahoochee Judicial Circuit then in effect and paid by Muscogee
156 County on January 1, 2022.

157 **SECTION 2-4.**

158 (a) In addition to the salary and expenses paid from state funds, the district attorney of the
159 Chattahoochee Judicial Circuit shall receive from the funds of Chattahoochee County, Harris
160 County, Marion County, Talbot County, and Taylor County an additional supplement in
161 proportions provided for under subsection (b) of this section.

162 (b)(1) Chattahoochee County shall pay an additional supplement equal to:

163 (A) The amount of the additional supplement to the salary and expenses of the district
164 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Chattahoochee
165 County on January 1, 2022; and

166 (B) Twenty percent of the additional supplement to the salary and expenses of the
167 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
168 Muscogee County on January 1, 2022.

169 (2) Harris County shall pay an additional supplement equal to:

170 (A) The amount of the additional supplement to the salary and expenses of the district
171 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Harris County
172 on January 1, 2022; and

173 (B) Twenty percent of the additional supplement to the salary and expenses of the
174 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
175 Muscogee County on January 1, 2022.

176 (3) Marion County shall pay an additional supplement equal to:

177 (A) The amount of the additional supplement to the salary and expenses of the district
178 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Marion County
179 on January 1, 2022; and

180 (B) Twenty percent of the additional supplement to the salary and expenses of the
181 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
182 Muscogee County on January 1, 2022.

183 (4) Talbot County shall pay an additional supplement equal to:

184 (A) The amount of the additional supplement to the salary and expenses of the district
185 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Talbot County
186 on January 1, 2022; and

187 (B) Twenty percent of the additional supplement to the salary and expenses of the
188 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
189 Muscogee County on January 1, 2022.

190 (5) Taylor County shall pay an additional supplement equal to:

191 (A) The amount of the additional supplement to the salary and expenses of the district
192 attorney of the Chattahoochee Judicial Circuit then in effect and paid by Taylor County
193 on January 1, 2022; and

194 (B) Twenty percent of the additional supplement to the salary and expenses of the
195 district attorney of the Chattahoochee Judicial Circuit then in effect and paid by
196 Muscogee County on January 1, 2022.

197 **PART III**

198 **SECTION 3-1.**

199 Senior or retired judges of the Chattahoochee Judicial Circuit who, as of June 30, 2022,
200 receive a retirement supplement or have been paid a retirement supplement from Muscogee
201 County, Chattahoochee County, Harris County, Marion County, Talbot County, and Taylor
202 County shall continue to receive such supplements from such counties in the same amounts
203 and in the same ratios as such supplements are paid as of June 30, 2022.

204 **SECTION 3-2.**

205 Any judge of the Chattahoochee Judicial Circuit who is in active service as of July 1, 2022,
206 or who shall be appointed or elected as a judge of the Chattahoochee Judicial Circuit on or
207 after July 1, 2022, shall, upon his or her retirement from active service and eligibility for

208 retirement payments under a State of Georgia retirement system, receive a retirement
209 supplement from the county or counties that comprise the Chattahoochee Judicial Circuit as
210 of the date such judge discontinues active service. Such retirement supplement shall be in
211 an amount equal to the percentage that his or her State of Georgia retirement payments are
212 to his or her last salary from the State of Georgia as an active judge of the Chattahoochee
213 Judicial Circuit, multiplied by the aggregate county salary supplement then paid to active
214 judges as of the date of such judge's retirement from active service.

215 **SECTION 3-3.**

216 Any judge of the Muscogee Judicial Circuit who is in active service as of July 1, 2022, or
217 who shall be appointed or elected as a judge of the Muscogee Judicial Circuit after
218 July 1, 2022, shall, upon his or her retirement from active service and eligibility for
219 retirement payments under a State of Georgia retirement system, receive a retirement
220 supplement from the county or counties that comprise the Muscogee Judicial Circuit as of
221 the date such judge discontinues active service. Such retirement supplement shall be in an
222 amount equal to the percentage that his or her State of Georgia retirement payments are to
223 his or her last salary from the State of Georgia as an active judge of the Muscogee Judicial
224 Circuit, multiplied by the aggregate county salary supplement then paid to active judges as
225 of the date of such judge's retirement from active service.

226 **SECTION 3-4.**

227 Any retirement supplements due under this part by a judicial circuit made up of more than
228 one county shall be paid in the same proportions as those counties divide the payment of
229 salary supplements to active judges of that judicial circuit.

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PART IV
SECTION 4-1.

232 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
233 general provisions regarding superior courts, is amended by revising paragraph (8) of, and
234 adding a new paragraph to, Code Section 15-6-1, relating to composition of judicial circuits,
235 as follows:

236 "(8) Chattahoochee Judicial Circuit, composed of the Counties of Chattahoochee, Harris,
237 Marion, ~~Muscogee~~, Talbot, and Taylor;"
238 "(25.1) Muscogee Judicial Circuit, composed of the County of Muscogee;"

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SECTION 4-2.

240 Said article is further amended by revising paragraph (8) of, and adding a new paragraph to,
241 Code Section 15-6-2, relating to number of superior court judges, to read as follows:

242 "(8) Chattahoochee Circuit 7 1"
243 "(25.1) Muscogee Circuit 6"

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SECTION 4-3.

245 Said article is further amended by revising paragraph (8) of, and adding a new paragraph to,
246 Code Section 15-6-3, relating to terms of court, as follows:

247 "(8) **Chattahoochee Circuit:**
248 (A) Chattahoochee County — Fourth Monday in March and September.
249 (B) Harris County — Second Monday in January, May, and September.
250 (C) Marion County — Fourth Monday in April and October.
251 ~~(D) Muscogee County — First Monday in February, April, June, August, October, and~~
252 ~~December.~~

253 ~~(F)~~ (D) Talbot County — Second Monday in March and November and third Monday
254 in August.

255 ~~(F)~~ (E) Taylor County — Second Monday in February, June, and October."

256 "(25.1) Muscogee Circuit:

257 Muscogee County — First Monday in February, April, June, August, October, and
258 December."

259

PART V

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SECTION 5-1.

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