

House Bill 451

By: Representatives Smyre of the 135th, Smith of the 134th, Willard of the 51st, and Hugley of the 136th

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 superior court judges for each judicial circuit, so as to provide for an additional
3 judge of the Chattahoochee Judicial Circuit and the Oconee Judicial Circuit; to provide for
4 the initial appointment of such judges by the Governor; to provide for the election and terms
5 of office of such judges; to provide for powers, duties, and responsibilities of each such judge
6 and the judges of said circuits; to amend an Act entitled "An Act to amend Chapter 6 of Title
7 15 of the Official Code of Georgia Annotated, relating to the superior courts," approved
8 March 27, 2000 (Ga. L. 2000, p. 205), so as to provide for the selection of the chief judge of
9 the Chattahoochee Judicial Circuit; to provide for related matters; to provide for effective
10 dates; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 PART I

13 SECTION 1-1.

14 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
15 superior court judges for each judicial circuit, is amended by revising paragraph (8) as
16 follows:

17 "(8) Chattahoochee Circuit 67"

18 SECTION 1-2.

19 A new judge of the superior court is added to the Chattahoochee Judicial Circuit, thereby
20 increasing to seven the number of judges of said circuit.

21 SECTION 1-3.

22 The initial judge appointed as provided by this Act shall be appointed by the Governor for
23 a term beginning on July 1, 2013, and expiring on December 31, 2014, and until a successor

24 is elected and qualified. A successor to the initial judge shall be elected in a manner
 25 provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for the
 26 election of judges of the superior courts of this state in 2014 for a term of four years
 27 beginning on January 1, 2015, and until the election and qualification of a successor. Future
 28 successors shall be elected each four years thereafter as provided by Code Section 21-2-138
 29 of the Official Code of Georgia Annotated for terms of four years and until the election and
 30 qualification of a successor. They shall take office on the first day of January following the
 31 date of the election. Such elections shall be held and conducted in a manner provided by law
 32 for the election of judges of the superior courts of this state.

SECTION 1-4.

34 Said additional judge shall have and may exercise all powers, duties, dignity, jurisdiction,
 35 privileges, and immunities of the present judges of the superior courts of this state. Any of
 36 the judges of the superior court of said circuit may preside over any case therein and perform
 37 any official act as judge thereof.

PART II

SECTION 2-1.

40 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
 41 superior court judges for each judicial circuit, is amended by revising paragraph (29) as
 42 follows:

43 "(29) Oconee Circuit ~~2~~ 3"

SECTION 2-2.

45 A new judge of the superior court is added to the Oconee Judicial Circuit, thereby increasing
 46 to three the number of judges of said circuit.

SECTION 2-3.

48 The initial judge appointed as provided by this Act shall be appointed by the Governor for
 49 a term beginning on July 1, 2013, and expiring on December 31, 2014, and until a successor
 50 is elected and qualified. A successor to the initial judge shall be elected in a manner
 51 provided by Code Section 21-2-138 of the Official Code of Georgia Annotated for the
 52 election of judges of the superior courts of this state in 2014 for a term of four years
 53 beginning on January 1, 2015, and until the election and qualification of a successor. Future
 54 successors shall be elected each four years thereafter as provided by Code Section 21-2-138
 55 of the Official Code of Georgia Annotated for terms of four years and until the election and

56 qualification of a successor. They shall take office on the first day of January following the
 57 date of the election. Such elections shall be held and conducted in a manner provided by law
 58 for the election of judges of the superior courts of this state.

59 **SECTION 2-4.**

60 Said additional judge shall have and may exercise all powers, duties, dignity, jurisdiction,
 61 privileges, and immunities of the present judges of the superior courts of this state. Any of
 62 the judges of the superior court of said circuit may preside over any case therein and perform
 63 any official act as judge thereof.

64 **PART III**

65 **SECTION 3-1.**

66 An Act entitled "An Act to amend Chapter 6 of Title 15 of the Official Code of Georgia
 67 Annotated, relating to the superior courts," approved March 27, 2000 (Ga. L. 2000, p. 205),
 68 is amended by revising Section 17 to read as follows:

69 **"SECTION 17.**

70 The chief judge of the Chattahoochee Judicial Circuit shall be elected from among the judges
 71 by a majority vote of the total number of active judges in such circuit by secret ballot.
 72 Elections shall be held during the second week of August preceding the expiration of a term.
 73 A quorum for conducting such election shall be five active judges. In the event no person
 74 obtains a majority vote after three ballots, the chief judge shall be the eligible judge having
 75 the most seniority. The term for a chief judge shall be two years beginning on January 1, and
 76 a person may be elected to successive terms. If a presiding chief judge resigns the position
 77 or the position otherwise becomes vacant, the next most senior judge shall assume the duties
 78 of the position for the remainder of the vacated term. The chief judge shall be vested with
 79 the power to prepare schedules for conducting the circuit business for his or her term and
 80 shall make all appointments whenever the law provides for the superior court judge to make
 81 appointments."

82 **PART IV**

83 **SECTION 4-1.**

84 (a) For purposes of making the initial appointments of the judges to fill the superior court
 85 judgeships created by Parts I and II of this Act, this Act shall become effective upon its
 86 approval by the Governor or upon its becoming law without such approval.

87 (b) For all other purposes, this Act shall become effective on July 1, 2013.

88

SECTION 4-2.

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