

House Bill 56 (COMMITTEE SUBSTITUTE)

By: Representatives Cantrell of the 22nd, Ballinger of the 23rd, Carson of the 46th, and Thomas of the 21st

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 court of the Blue Ridge 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 require candidates for such judgeships to designate the seat for which they are
6 running; to prescribe the powers of such judge; to prescribe the compensation, salary, and
7 expense allowance of such judge to be paid by the State of Georgia and the counties included
8 in such circuit; to authorize the judges of such circuit to divide and allocate the work and
9 duties thereof; to provide for the designation of a chief judge; to provide for the manner of
10 impaneling jurors; to provide for an additional court reporter for such circuit; to authorize the
11 governing authority of the counties included in such circuit to provide facilities, office space,
12 supplies, equipment, and personnel for such judges; to declare inherent authority; to provide
13 for 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:

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SECTION 1.

17 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
18 judges of superior courts, is amended by revising paragraph (6) as follows:

19 "(6) Blue Ridge Circuit 3 4"

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SECTION 2.

21 The additional judge of the superior court of the Blue Ridge Judicial Circuit provided for in
22 this Act shall be appointed by the Governor for a term beginning July 1, 2022, and expiring
23 December 31, 2024, and until a successor is elected and qualified. At the nonpartisan
24 judicial election to be held in 2024, there shall be elected a successor to such additional judge
25 appointed as provided for above, and he or she shall take office on the first day of January,
26 2025, and serve for a term of office of four years and until a successor is duly elected and
27 qualified. All subsequent successors to such judge shall be elected at the nonpartisan judicial
28 election conducted in the year in which the term of office shall expire for a term of four years
29 and until his or her successor is duly elected and qualified. Such judges shall take office on
30 the first day of January following the date of their election. Such elections shall be held and
31 conducted as is now or may hereafter be provided by law for the election of judges of the
32 superior courts of the State of Georgia.

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SECTION 3.

34 Every person who offers for election as one of the judges of such superior court of the Blue
35 Ridge Judicial Circuit shall designate with the proper authority in all general elections the
36 specific seat for which such person offers by naming the incumbent judge whom he or she
37 desires to succeed and thereupon such person shall be permitted, if otherwise qualified, to
38 run for such designated judgeship and no other. In the event that there is no incumbent judge
39 in the seat for which such person desires to offer, the person shall qualify by announcing his
40 or her intention to run for the office for which there is no incumbent.

41 **SECTION 4.**

42 The additional judge of the superior court of the Blue Ridge Judicial Circuit provided for in
43 this Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
44 immunities of the present judges of the superior courts of this state. Any of the judges of
45 such court may preside over any cause, whether in their own or in other circuits, and perform
46 any official act as judge thereof, including sitting on appellate courts as provided by law.

47 **SECTION 5.**

48 The qualifications of such additional judge and his or her successors shall be the same as are
49 now provided by law for all other superior court judges, and his or her compensation, salary,
50 and expense allowance from the State of Georgia and from the county comprising such
51 circuit shall be the same as that of other judges of the superior court of the Blue Ridge
52 Judicial Circuit. The salary supplements enacted by the county comprising such circuit for
53 the present superior court judges of such circuit shall also be applicable to the additional
54 judge provided by this Act.

55 **SECTION 6.**

56 All writs and processes in the superior court of the Blue Ridge Judicial Circuit shall be
57 returnable to the terms of such superior court as they are now fixed and provided by law, or
58 as they may hereafter be fixed or determined by law, and all terms of such court shall be held
59 in the same manner as though there were but one judge, it being the intent and purpose of this
60 Act to provide the four judges of such circuit with equal jurisdiction and authority to attend
61 to and perform the functions, powers, and duties of the judges of such superior court and to
62 direct and conduct all hearings and trials in such court.

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SECTION 7.

64 Upon and after qualification of the additional judge of the superior court of the Blue Ridge
65 Judicial Circuit, the four judges of the superior court of the Blue Ridge Judicial Circuit may
66 adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance
67 with the Constitution and laws of the State of Georgia as they deem suitable and proper for
68 the effective transaction of the business of the court; and, in transacting the business of the
69 court and in performing their duties and responsibilities, the judges shall share, divide, and
70 allocate the work and duties to be performed by each. In the event of a disagreement among
71 the judges in respect hereof, the majority shall rule, or failing a majority, the decision of the
72 senior judge in point of service, who shall be known as the chief judge, shall be controlling.

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SECTION 8.

74 The drawing and impaneling of all jurors, whether grand, petit, or special, may be conducted
75 by any of the judges of the superior court of such circuit; and they, or each of them, shall
76 have full power and authority to draw and impanel jurors for service in such court so as to
77 have jurors for the trial of cases before any of such judges separately or before each of them
78 at the same time.

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SECTION 9.

80 The four judges of the superior court of the Blue Ridge Judicial Circuit shall be authorized
81 and empowered to employ an additional court reporter for such circuit whose compensation
82 shall be as now or hereafter provided by law.

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SECTION 10.

84 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
85 superior court of the Blue Ridge Judicial Circuit may bear teste in the name of any judge of
86 such circuit and, when issued by and in the name of any judge of such circuit, shall be fully

87 valid and may be held and determined before the same or any other judge of such circuit.
88 Any judge of such court may preside over any cause therein and perform any official act as
89 judge thereof.

90 **SECTION 11.**

91 The governing authority of the county comprising the Blue Ridge Judicial Circuit shall
92 provide the judges of such circuit with suitable courtrooms and facilities, office space,
93 telephones, furniture, office equipment, supplies, and such personnel as may be considered
94 necessary to the proper functioning of the court. All of the expenditures authorized in this
95 Act are declared to be an expense of the court and payable out of the county treasury as such.

96 **SECTION 12.**

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

100 **SECTION 13.**

101 This Act shall become effective for the purpose of appointing the additional judge upon its
102 approval by the Governor or upon its becoming law without such approval and for all other
103 purposes on July 1, 2022.

104 **SECTION 14.**

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