

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 709:

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the State Court of Rockdale County, approved April 2, 1987  
2 (Ga. L. 1987, p. 5452), as amended, particularly by an Act approved May 18, 2007  
3 (Ga. L. 2007, p. 3837), so as to provide an additional judge for such court; to provide for the  
4 appointment of such additional judge of such court; to provide for the election of successors;  
5 to revise inaccurate references; to provide for related matters; to provide an effective date;  
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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9 An Act creating the State Court of Rockdale County, approved April 2, 1987 (Ga. L. 1987,  
10 p. 5452), as amended, particularly by an Act approved May 18, 2007 (Ga. L. 2007, p. 3837),  
11 is amended by revising subsections (b) and (c) of Section 3 as follows:

12 "(b) In all criminal cases, each judge of such court shall be the judge of both questions of  
13 fact and of law unless the person subject to be tried shall, before pleading to the charge  
14 against him or her, or the state shall demand a jury trial. There shall be no trial by jury in  
15 such court unless demanded by the person charged or by the state. Upon either such timely  
16 demand being made, such person shall be tried by a jury as is hereinafter provided.

17 (c) In all civil cases, each judge shall be the judge of all questions of fact and law unless  
18 either party to such proceeding shall, before the time expires for filing defensive pleadings,  
19 file a written demand for a jury trial. Upon such demand being timely filed, the case shall  
20 be tried by a jury as hereinafter provided unless such demand for trial by jury is withdrawn  
21 before the call of the case for trial. When a demand for trial by jury is filed, the same shall  
22 not be withdrawn without the consent of the opposite party."

**SECTION 2.**

23 Said Act is further amended by revising subsection (b) of Section 10 as follows:  
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25 "(b) For the trial of any case in the Superior Court of Rockdale County or the State Court  
26 of Rockdale County requiring the use of jurors, a jury pool is created. Jurors may be  
27 selected as prescribed by law by either the judges of the Superior Court of Rockdale  
28 County or the judges of the State Court of Rockdale County to appear to be sworn and  
29 serve as jurors before either court. When both the superior court and state court are in  
30 session on the same date, either court may use as jurors persons who are summoned to  
31 appear to serve as jurors by virtue of the authority of either court."

32 **SECTION 3.**

33 Said Act is further amended by revising Section 11 as follows:

34 "**Section 11.** (a) There shall be a chief judge, who shall be the judge of the State Court of  
35 Rockdale County serving at the time of the effective date of this act and an additional  
36 associate judge of such court who each shall be elected by the qualified voters of Rockdale  
37 County, Georgia, as provided by Chapter 7 of Title 15 of the O.C.G.A.; provided, however,  
38 that the initial associate judge shall be appointed by the Governor for a term beginning  
39 January 1, 2019, and continuing through December 31, 2020, and until his or her successor  
40 is elected and qualified. The successor to such initial associate judge shall be elected in the  
41 manner provided by law for the election of judges of the state courts of this state at the  
42 nonpartisan judicial election in 2020, for a term of four years beginning on January 1,  
43 2021, and until his or her successor is elected and qualified. The judge of such court in  
44 office on the effective date of this Act shall continue to serve the remainder of the term of  
45 office to which he or she was elected and until his or her successor is elected and qualified.  
46 Future successors to such judges shall be elected at the nonpartisan general election  
47 conducted immediately prior to the expiration of the term of office. Such successors shall  
48 take office on the first day of January following their election and shall serve for a term of  
49 office of four years and until their respective successors are duly elected and qualified.

50 (b) Each judge of said court shall have such qualifications and shall be subject to such  
51 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. Each judge  
52 of such court shall be vested with all the power and authority of judges of the superior  
53 courts as to all matters, except as are exclusively conferred upon the judges of the superior  
54 courts by the Constitution and laws of this state.

55 (c) The state court judges of Rockdale County shall each receive an annual salary equal  
56 to 92.5 percent of the annual salary of a superior court judge in Rockdale County. For  
57 purposes of this section, the annual salary of a superior court judge in Rockdale County  
58 shall be the annual sum of that salary paid from state funds and any local supplement paid  
59 by Rockdale County.

60 (1) The annual salary of each state court judge as calculated in accordance with this  
61 subsection shall be payable in equal monthly installments from the funds of Rockdale  
62 County.

63 (2) Each state court judge shall be authorized to participate in the Group Retirement  
64 Program, the Group Hospitalization Benefit Program, and any similar or related plan or  
65 program on the same basis as other officers and employees of Rockdale County if he or  
66 she meets the normal eligibility requirements of the plans or programs."

67 **SECTION 4.**

68 Said Act is further amended by revising Section 15 as follows:

69 **"Section 15.** Either judge of the State Court of Rockdale County may appoint an official  
70 stenographer for said court who shall report such cases as the court may require. Any such  
71 appointed stenographer shall receive the same fees as allowed for similar services in the  
72 superior court, which shall be taxed and enforced as in the superior court."

73 **SECTION 5.**

74 For the purpose of appointing the initial associate judge under this Act, this Act shall become  
75 effective upon its approval by the Governor or upon its becoming law without such approval.  
76 For all other purposes, this Act shall become effective on January 1, 2019.

77 **SECTION 6.**

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