

House Bill 88 (AS PASSED HOUSE AND SENATE)

By: Representatives Fleming of the 121st, Powell of the 171st, Quick of the 117th, Holcomb of the 81st, and Evans of the 42nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 revise the qualifications for superior and state court judges; to provide for the vacation of
3 such offices under certain circumstances; to provide for related matters; to provide for
4 effective dates; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
8 Code Section 15-6-4, relating to qualifications of superior court judges, as follows:

9 "15-6-4.

10 (a) No ~~person~~ individual shall be judge of the superior courts unless, at the time of his or
11 her election, he or she has attained the age of 30 years, has been a citizen of the state for
12 three years, has practiced law for seven years, and is a member in good standing with the
13 State Bar of Georgia and has been duly reinstated to the practice of law in the event of his
14 or her disbarment therefrom.

15 (b) The office of any superior court judge shall be vacated upon the disbarment or
16 suspension from the practice of law of such judge by the Supreme Court whether voluntary
17 or involuntary and upon order of the Supreme Court providing for such removal from
18 office."

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

20 Said title is further amended by revising Code Section 15-7-21, relating to qualifications,
21 restrictions on practice of law, and removal, discipline, and involuntary retirement of judges
22 of the state court, as follows:

23 "15-7-21.

24 (a)(1) Except as provided in paragraph (2) of this subsection, each judge of the state
25 court shall ~~be~~:

- 26 (A) Be a resident of the geographic area in which he or she is selected to serve, shall
 27 have;
- 28 (B) Have been a resident of the state for three years next preceding the beginning of
 29 his or her term of office, shall as of such date;
- 30 (C) As of the date on which his or her term of office begins, be at least 25 years of age;
 31 and shall have;
- 32 (D) Have been admitted to practice law for seven years; and
- 33 (E) Be a member in good standing with the State Bar of Georgia and have been duly
 34 reinstated to the practice of law in the event of his or her disbarment therefrom.
- 35 (2) If, at the expiration of the qualifying period for the general nonpartisan primary or
 36 any special election, no candidate meeting the requirements of paragraph (1) of this
 37 subsection has qualified, then the county election superintendent shall reopen qualifying
 38 for a period of 15 days, and any person individual may qualify who: (A) will have been
 39 for three years next preceding the beginning of the term of office a resident of the
 40 superior court judicial circuit containing the geographic area in which the judge is to
 41 serve; and (B) meets all requirements, other than the residency requirement specified in
 42 subparagraph (A) of paragraph (1) of this subsection, for eligibility for nomination and
 43 election to the office of state court judge. If such person individual is elected to the office
 44 of state court judge, such person he or she may thereafter qualify for reelection to such
 45 office as long as such person he or she continues to reside within the judicial circuit
 46 containing the geographic area in which the judge is to serve and otherwise meets the
 47 requirements of paragraph (1) of this subsection.
- 48 (b) A full-time judge of the state court ~~may~~ shall not engage in the private practice of law.
 49 A part-time judge of the state court may engage in the private practice of law in other
 50 courts but may not practice in his or her own court or appear in any matter as to which that
 51 judge has exercised any jurisdiction.
- 52 (c) Judges of the state courts shall be subject to discipline, removal, and involuntary
 53 retirement pursuant to Article VI, Section VII, Paragraphs VI and VII of the Constitution
 54 of the State of Georgia.
- 55 (d) The office of any judge of the state court shall be vacated upon the disbarment or
 56 suspension from the practice of law of such judge by the Supreme Court whether voluntary
 57 or involuntary and upon order of the Supreme Court providing for such removal from
 58 office."

59 SECTION 3.

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