

House Bill 935 (AS PASSED HOUSE AND SENATE)

By: Representatives Efrstration of the 104<sup>th</sup>, Marin of the 96<sup>th</sup>, Barr of the 103<sup>rd</sup>, Park of the 101<sup>st</sup>, Harrell of the 106<sup>th</sup>, and others

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the Recorder's Court of Gwinnett County, approved March 27,  
2 1972 (Ga. L. 1972, p. 3125), as amended, particularly by an Act approved April 13, 2001  
3 (Ga. L. 2001, p. 4297) and an Act approved April 11, 2012 (Ga. L. 2012, p. 5149), so as to  
4 provide for senior judges of said court; to modify how the clerk of court is appointed; to  
5 change the compensation of the judge pro hac vice; to provide for an effective date; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the Recorder's Court of Gwinnett County, approved March 27, 1972 (Ga.  
10 L. 1972, p. 3125), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001,  
11 p. 4297) and an Act approved April 11, 2012 (Ga. L. 2012, p. 5149), is amended by adding  
12 a new section following Section 7A to read as follows:

13 "SECTION 7B.

14 Senior judges.

15 Any judge of the Recorder's Court of Gwinnett County who retires after having served for  
16 ten years or more as a judge on said court shall become a senior judge of the Recorder's  
17 Court of Gwinnett County. Upon becoming a senior judge of the court, any such senior  
18 judge may be called upon to serve as a judge of the court. If the chief judge of the  
19 Recorder's Court of Gwinnett County determines that the business of the court requires the  
20 temporary assistance of an additional judge, the chief judge may make a written request for  
21 assistance to any senior judge of the court. Request for assistance shall be made to the  
22 senior judges of the court before the appointment of a recorder pro hac vice. Senior judges  
23 shall receive such compensation as determined by the chief judge of the Recorder's Court  
24 of Gwinnett County and as approved by the governing authority of Gwinnett County."

25 **SECTION 2.**

26 Said Act is further amended by revising Section 8 as follows:

27 "SECTION 8.

28 Clerk; duties; bond and compensation.

29 The clerk of said recorder's court shall be appointed by a majority vote of the judges of the  
 30 State Court of Gwinnett County, whose duty it shall be to keep a record of all proceedings  
 31 of said court, to collect all costs, fines and forfeitures, and to remit same by the fifteenth  
 32 day of the following month to the director of finance of Gwinnett County or such other  
 33 person as may be designated by the governing authority of Gwinnett County, for deposit  
 34 in the county depository, as general funds of Gwinnett County. The clerk shall further be  
 35 authorized and empowered to issue summons, subpoenas, rules to forfeit bonds, and such  
 36 other similar rules as may be by law authorized. The clerk shall be bonded to Gwinnett  
 37 County in the sum of \$5,000.00 for the faithful performance of the duties of office and for  
 38 the accounting for all funds coming into the possession of the clerk by virtue of the office  
 39 and to insure the county against loss of any such funds and said bond premium to be paid  
 40 from county funds as an expense of said court. The clerk may appoint a sufficient number  
 41 of deputy clerks as may be needed, who shall give bond in like manner as the clerk. The  
 42 clerk shall receive as compensation for services a salary which shall be determined by  
 43 applying the classification system that is used to determine the pay grade for management  
 44 positions in Gwinnett County to the clerk's position. Compensation for services shall be  
 45 paid by the governing authority of Gwinnett County."

46 **SECTION 3.**

47 Said Act is further amended by revising Section 13 as follows:

48 "SECTION 13.

49 Recorder pro hac vice.

50 The chief judge of the Recorder's Court of Gwinnett County shall have the authority to  
 51 designate a practicing attorney holding the qualifications of a judge of said recorder's court  
 52 to serve as a judge pro hac vice in the place of any judge during an absence for any reason,  
 53 including disability, or if a judge is disqualified. A judge pro hac vice while serving as  
 54 judge shall have the same power and authority vested in the judges of said court and shall  
 55 be paid at a rate of \$400.00 per day by the governing authority of Gwinnett County."

56 **SECTION 4.**

57 This Act shall become effective on July 1, 2020.

58 **SECTION 5.**

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