

Senate Bill 5

By: Senators Burns of the 23rd and Jones II of the 22nd

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 Augusta Judicial Circuit; to provide for the appointment of such additional judge
4 by the Governor; to provide for the election of successors to the additional 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 provide for validity of actions; to
13 declare inherent authority; to provide for related matters; to provide for effective dates; to
14 repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16

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 (5) as follows:

19 "(5) Augusta Circuit 5 6"

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SECTION 2.

21 The additional judge of the superior court of the Augusta Judicial Circuit provided for in this
22 Act shall be appointed by the Governor for a term beginning July 1, 2023, 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 in this section, and he or she shall take office on January 1, 2025, and
26 shall 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 expires for a term of four years and
29 until his or her successor is duly elected and qualified. Each newly elected and qualified
30 successor shall take office on the first day of January following the date of their election.
31 Such elections shall be held and conducted as is now or may hereafter be provided by law
32 for the election of judges of the superior courts of the State of Georgia.

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SECTION 3.

34 Each person who offers for election as one of the judges of such superior court of the
35 Augusta 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 Augusta Judicial Circuit provided for in this
43 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 Augusta Judicial
52 Circuit. The salary supplements enacted by the county comprising such circuit for the
53 present superior court judges of such circuit shall also be applicable to the additional judge
54 provided by this Act.

55 **SECTION 6.**

56 All writs and processes in the superior court of the Augusta 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 six 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 Augusta
65 Judicial Circuit, the six judges of the superior court of the Augusta 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 six judges of the superior court of the Augusta Judicial Circuit shall be authorized and
81 empowered to employ an additional court reporter for such circuit whose compensation shall
82 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 Augusta Judicial Circuit may bear teste in the name of any judge of such
86 circuit and, when issued by and in the name of any judge of such circuit, shall be fully valid

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

90 **SECTION 11.**

91 The governing authorities of the counties comprising the Augusta 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 treasuries as
96 such.

97 **SECTION 12.**

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

101 **SECTION 13.**

102 This Act shall become effective for the purpose of appointing the additional judge upon its
103 approval by the Governor or upon its becoming law without such approval and for all other
104 purposes on July 1, 2023.

105 **SECTION 14.**

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