

Senate Bill 530

By: Senator Henson of the 41st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of DeKalb County, formerly known as the Civil
2 and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401),
3 as amended, particularly by an Act approved March 13, 1957 (Ga. L. 1957, p. 3322), an Act
4 approved February 18, 1960 (Ga. L. 1960, p. 2166), an Act approved March 3, 2015 (Ga.
5 L. 2015, p. 3501), and an Act approved April 28, 2016 (Ga. L. 2016, p. 3950), so as to
6 provide definitions; to provide that the court shall be governed by general law related to state
7 courts; to provide for meetings of all judges of the court and a quorum thereof; to remove
8 outdated, expired, and superseded provisions; to modify provisions related to appointment
9 of assistant solicitors; to modify the fee schedule of said court; to provide for the chief judge
10 of said court; to modify provisions for the punishment of contempt; to provide for a new
11 procedure for the selection and removal of the clerk, marshal, chief probation officer, and
12 court business and technology administrators of said court; to rename the traffic division of
13 said court; to provide for the selection of a presiding judge of such division; to provide
14 compensation for State Court judges and DeKalb County Magistrate judges; to provide for
15 related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 An Act creating the State Court of DeKalb County, formerly known as the Civil and
19 Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as
20 amended, particularly by an Act approved March 13, 1957 (Ga. L. 1957, p. 3322), an Act
21 approved February 18, 1960 (Ga. L. 1960, p. 2166), an Act approved March 3, 2015 (Ga.
22 L. 2015, p. 3501), and an Act approved April 28, 2016 (Ga. L. 2016, p. 3950), is amended
23 by adding new sections following Section 1 to read as follows:

24 "SECTION 1.1.

25 (a) As used in this Act, the term 'Commissioner of Roads and Revenues of DeKalb
26 County' shall mean the governing authority of DeKalb County.

27 (b) As used in this Act, the term 'senior judge' shall mean the chief judge provided for in
28 Section 14-A of this Act.

29 (c) As used in this Act, the term 'Jury Division' shall refer to the seven judgeships of the
30 State Court of DeKalb County created prior to March 3, 2015.

31 (d) As used in this Act, the term 'Division B' shall refer to the four judgeships of the State
32 Court of DeKalb County provided in Part 2 of this Act.

33 SECTION 1.2.

34 This court shall be governed by the provisions of general law contained in Chapter 7 of
35 Title 15 of the O.C.G.A., relating to state courts, and by the provisions of this Act.

36 SECTION 1.3.

37 At least quarterly, all judges of the State Court of DeKalb County, including all judges of
38 the Jury Division and Division B, shall conduct a meeting of the entire bench of this court.
39 A majority of the Jury Division and Division B judges shall constitute a quorum for such
40 meetings. Any judge may add an item to the agenda for consideration at any meeting of
41 the entire bench.

42 SECTION 1.4.

43 The judges of the State Court of DeKalb County may adopt such local rules as they deem
44 necessary on any matter concerning the governance, administration, budget, staffing, docket,
45 or case management of the court. Such local rule shall require at least five affirmative votes
46 from judges of the Jury Division and three affirmative votes from the judges of Division B.
47 Such local rules shall be consistent with the provisions of this Act and other applicable law."

48 SECTION 2.

49 Said Act is further amended by revising subsection (a) of Section 5 as follows:

50 "(a) The State Court of DeKalb County shall have all the jurisdiction as is provided to state
51 courts by Chapter 7 of Title 15 of the Official Code of Georgia Annotated and such
52 additional jurisdiction as may be provided by this Act or other law."

53 SECTION 3.

54 Said Act is further amended by revising Section 6A as follows:

55 "SECTION 6A.

56 The solicitor, also known as the solicitor-general, of said court shall have authority to
57 appoint such assistant solicitors as he or she deems necessary, subject to the funding for
58 such assistant solicitors being provided by the governing authority of DeKalb County."

59 SECTION 4.

60 Said Act is further amended by repealing and reserving Section 7-A in its entirety.

61 SECTION 5.

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

63 "SECTION 11B.

64 Each party filing a suit or proceeding of any character in the state court, for the services
65 rendered by the clerk, shall deposit with the clerk of said court, except as provided for in
66 this section, the costs, which includes the first judgment, fi. fa., and recording of same, for
67 all suits or proceedings of any character, irrespective of how they shall be terminated,
68 which shall be \$65.00, plus all applicable fees. The sums provided in this section are
69 exclusive of cost for service of process or other additional sums as may be provided by law.
70 Cost for filing dispossessory and distress warrants shall be \$57.00, plus all applicable fees,
71 plus \$10.00 for each defendant more than one which includes service. Any fees provided
72 for in this section may be suspended by order of this court.

73 In addition to the foregoing costs, the clerk of said court shall charge and collect costs as
74 follows:

75	For filing and docketing each third-party	
76	complaint	\$10.00
77	For filing and docketing scire facias	
78	each defendant	10.00
79	For verdict rendered more than one	
80	and docketing same	1.00
81	For affidavit to obtain alias fi. fa.	
82	and issuing same	8.00
83	For affidavit where no cause is pending	5.00
84	For certified copy	5.00
85	For filing and docketing each appeal, civil or	
86	criminal, and such fee shall be paid at the	
87	time of filing the notice of appeal	25.00

88	For preparation of record and transcript to the	
89	Supreme Court and Court of Appeals,	
90	per page	1.50
91	Where a transcript of the evidence and proceedings is	
92	filed with the clerk and does not require recopying, the	
93	clerk shall not receive the fee herein prescribed with	
94	respect to such transcript but shall receive, for filing	
95	and transmission of such transcript, a fee of	5.00
96	For certification or exemplification of record,	
97	including certificates and seals	5.00
98	For clerk's certificate	1.00
99	For court seal	1.00
100	For issuing subpoena, signed and sealed	1.00
101	For filing and docketing each	
102	writ of possession	10.00
103	For filing and docketing each	
104	additional summons of garnishment	10.00
105	For filing and docketing each traverse to	
106	answer of garnishment	10.00
107	For preparing Department of Public	
108	Safety Letter	3.00
109	For providing uncertified computer or photocopies	
110	of documents, per page	1.00

111 **MARSHAL**

112	To provide for the services of the marshal, the following fees shall be charged:	
113	For serving copy of process or other pleading and	
114	returning original, per copy	\$35.00
115	For serving action from another county, including	
116	second original	35.00
117	For serving subpoena	35.00
118	For each levy or writ of fieri facias	35.00
119	For search and return of nulla bona	20.00
120	For serving summons of garnishment or	
121	plaintiff's traverse of garnishee	35.00
122	Commission on sales of property:	

156 **SECTION 7.**

157 Said Act is further amended by repealing and reserving Section 12-B in its entirety.

158 **SECTION 8.**

159 Said Act is further amended by repealing and reserving Section 13 and Section 13A in their
160 entirety.

161 **SECTION 9.**

162 Said Act is further amended by revising Section 14-A and Section 14-B as follows:

163 "SECTION 14-A.

164 (a) There is hereby created the position of chief judge of the State Court of DeKalb
165 County. In all matters concerning the governance, administration, budget, staffing, docket,
166 or case management of said court, the chief judge shall have final authority over the matter,
167 unless the judges of the court have provided otherwise by local rule, adopted in accordance
168 with Section 1.4 of this Act. Before deciding any such matter, the chief judge in a formal
169 meeting or in writing shall consult with the Jury Division judges on matters solely affecting
170 the Jury Division, consult with the Division B judges on matters solely affecting Division
171 B, and consult with the Jury Division and Division B judges on matters affecting the entire
172 court. This authority of the chief judge shall not extend to the hiring or removal of the
173 clerk, marshal, or chief probation officer, which shall be carried out as provided in Sections
174 20, 21, and 21.1 of this Act.

175 (b) The senior judge of the court as of the effective date of this Act shall be the chief judge
176 of the court until December 31, 2022.

177 (c) As of January 1, 2023, the position and duties of chief judge shall pass as provided in
178 subsection (d) of this section.

179 (d) Except as provided in subsection (b) of this section, the term of the chief judge shall
180 be for two years or until the person serving as chief judge resigns from the position or
181 leaves the court, whichever time is shorter. At the end of each term of the chief judge, the
182 position shall pass to the next judge of the Jury Division in rotation and in order of
183 seniority, until all judges of the Jury Division have served all or part of one term as chief
184 judge. After the junior judge in the rotation has served as chief judge, the position shall
185 pass to the senior judge and the rotation shall begin again.

186 (e) No judge of the Jury Division shall be eligible to serve as chief judge during his or her
187 first four years of service on the Jury Division. If any part of a judge's first term as chief
188 judge would coincide with his or her first four years of service on the Jury Division, the

189 rotation provided in subsection (d) of this section shall skip that judge and he or she shall
 190 be eligible for his or her first term as chief judge in the next full rotation.

191 (f) No person serving as a judge on Division B of this court shall be eligible to serve as
 192 chief judge.

193 **SECTION 14-B.**

194 The chief judge when he or she deems necessary may request, in writing, the services of
 195 an acting judge who shall be a judge, associate judge, or senior judge on any appellate,
 196 superior, state, magistrate, juvenile, probate, or municipal court of this state who is
 197 otherwise qualified. When any such acting judge serves on this court, he or she shall be
 198 compensated at a rate to be determined by the chief judge in an annual standing order for
 199 compensation according to the complexity of assigned cases."

200 **SECTION 10.**

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

202 "SECTION 15.

203 The selection of juries in all cases before this court shall conform to all applicable
 204 requirements of Article 5 of Chapter 12 of Title 15 of the Official Code of Georgia
 205 Annotated."

206 **SECTION 11.**

207 Said Act is further amended by repealing and reserving Section 16 in its entirety.

208 **SECTION 12.**

209 Said Act is further amended by revising Section 17 as follows:

210 "SECTION 17.

211 The judges of this court shall have authority to punish contempt to the extent provided in
 212 Section 15-7-4 of the Official Code of Georgia Annotated."

213 **SECTION 13.**

214 Said Act is further amended by repealing and reserving Section 17-A in its entirety.

215 **SECTION 14.**

216 Said Act is further amended by revising Section 20 and Section 21 as follows:

217 "SECTION 20.

218 (a) The clerk of said court shall be appointed by and may only be removed by a vote of at
219 least five judges of the Jury Division, three judges of Division B, and the chief magistrate
220 judge.

221 (b) Upon the position of clerk becoming vacant, the chief judge, the presiding judge of
222 Division B, and the chief magistrate judge of DeKalb County shall meet and nominate a
223 person to serve as clerk, with such nomination subject to approval as provided for in
224 subsection (a) of this section.

225 (c) The clerk on the effective date of this Act shall remain in that position unless he or she
226 is removed pursuant to subsection (a) of this section.

227 (d) The clerk shall appoint such deputy clerks as he or she deems necessary. A chief
228 deputy clerk shall be employed to serve the Jury Division; such deputy clerk shall be
229 selected and may be removed by a majority vote of the judges of the Jury Division. A chief
230 deputy clerk shall be employed to serve Division B; such deputy clerk shall be selected and
231 may be removed by a majority vote of the judges of Division B.

232 (e) The clerk shall have authority to file all papers, suits, and documents; sign all
233 summons, subpoenas, warrants, executions, and documents; make all necessary records and
234 entries on the docket of this court; and to perform such duties as required by the judges of
235 this court not inconsistent with the law. The clerk shall be an ex officio deputy marshal of
236 this court.

237 SECTION 21.

238 (a) The marshal of this court shall be appointed by and may only be removed by a vote of
239 at least five judges of the Jury Division, three judges of Division B, and the chief
240 magistrate judge.

241 (b) Upon the position of marshal becoming vacant, the chief judge, the presiding judge of
242 Division B, and the chief magistrate judge of DeKalb County shall meet and nominate a
243 person to serve as marshal, with such nomination subject to approval as provided for in
244 subsection (a) of this section.

245 (c) The marshal on the effective date of this Act shall remain in that position unless he or
246 she is removed pursuant to subsection (a) of this section.

247 (d) The marshal shall have the authority to appoint and remove such deputy marshals as
248 he or she deems necessary.

249 (e) The marshal and deputy marshals of this court shall have the same powers, duties, and
250 authority within DeKalb County as provided by law to sheriffs and deputy sheriffs. All
251 process of this court, executions, warrants, or summary process of any kind issued from the

252 court shall be levied, served, or executed by the marshal or deputy marshals of the court
253 or by the sheriff of DeKalb County or any of his or her deputies."

254 **SECTION 15.**

255 Said Act is further amended by adding new sections following Section 21 to read as follows:

256 "SECTION 21.1.

257 (a) Notwithstanding any other provision of this Act to the contrary, the chief probation
258 officer of this court shall be appointed by and may only be removed by a vote of at least
259 five judges of the Jury Division, three judges of Division B, and the chief magistrate judge.

260 (b) Upon the position of chief probation officer becoming vacant, the chief judge, the
261 presiding judge of Division B, and the chief magistrate judge of DeKalb County shall meet
262 and nominate a person to serve as chief probation officer, with such nomination subject to
263 approval as provided for in subsection (a) of this section.

264 (c) The chief probation officer on the effective date of this Act shall remain in that position
265 unless he or she is removed pursuant to subsection (a) of this section.

266 (d) The chief probation officer shall have the authority to appoint and remove such
267 probation officers as he or she deems necessary.

268 SECTION 21.2.

269 (a) The chief judge shall nominate, and a majority of the judges of the Jury Division shall
270 appoint a court business and technology administrator to serve the Jury Division.

271 (b) The presiding judge of Division B and Chief Magistrate, jointly, shall nominate, and a
272 majority of the judges of Division B and the Chief Magistrate judge shall appoint a court
273 business and technology administrator to serve Division B.

274 SECTION 21.3.

275 (a) Upon the effective date of this Act and until the time provided in subsection (b) of this
276 section, the judges of Division B shall receive the same annual salary as the presiding
277 associate judge and associate judges of the former traffic division of the State Court.

278 (b) Notwithstanding any other provisions of law to the contrary, 12 months after the effective
279 date of this Act, the annual salary of each of the officials listed below shall be the following
280 percentage of the gross salary of the judges of the Superior Court of DeKalb County:

- 281 (1) State Court Judge of the Jury Division.....95%
- 282 (2) State Court Solicitor.....95%
- 283 (3) State Court Judge of Division B90%
- 284 (4) Chief Magistrate.....90%

285 (5) Full-time Associate Magistrate.....72%”

286 **SECTION 16.**

287 Said Act is further amended by repealing and reserving Section 23 and Section 24 in their
288 entirety.

289 **SECTION 17.**

290 Said Act is further amended by repealing and reserving Section 31.

291 **SECTION 18.**

292 Said Act is further amended by repealing and reserving Section 32.

293 **SECTION 19.**

294 Said Act is further amended by repealing the existing Part 2 and enacting a new Part 2 to read
295 as follows:

296 *”Part 2*
297 **SECTION 2-1.**

298 There is created a division of the State Court of DeKalb County to be known as Division B,
299 formerly known as the 'traffic division.' Division B of the state court shall be governed by
300 the provisions of general law contained in Chapter 7 of Title 15 of the O.C.G.A., relating
301 to state courts of counties, and by the additional provisions of this part.

302 **SECTION 2-2.**

303 (a) In addition to all other judges of the state court, there shall be four judges of Division B
304 who shall be judges of the state court. The qualifications and election of the Division B
305 judges shall be as provided by general law.

306 (b) Those judges serving on the traffic division of the state court immediately prior to the
307 effective date of this Act and those judges elected to the traffic division of the state court
308 in the 2020 nonpartisan general election shall serve out all terms of office for which they
309 are elected or appointed until their respective successors are elected or until they resign,
310 provided that on and after the effective date of this Act they shall be known as judges of
311 Division B of the State Court of DeKalb County. Their successors shall be elected to terms
312 of four years and all such elections shall be as provided by law.

313 (c) Except as specifically provided for in this part, all provisions of this Act relating to the
314 authority and jurisdiction of other judges of the state court shall be applicable to the judges
315 of Division B.

316 (d) The four judges of Division B are designated as full-time judges and may not engage
317 in the private practice of law.

318 (e) Judges of Division B shall not be eligible to serve as chief judge of the state court.

319 SECTION 2-3.

320 (a) Division B shall have a presiding judge who shall have primary responsibility for the
321 governance, administration, budget, staffing, docket, and case management of Division B.
322 The four Division B judges, in performing their duties and responsibilities, shall share,
323 divide, and allocate the work and duties to be performed by each of them. In the event of
324 disagreement among the Division B judges with respect to such matters, the decision of the
325 presiding judge shall govern unless the remaining judges of Division B vote to overrule
326 such decision.

327 (b) The term of the presiding judge shall be for two years or until the person serving as
328 presiding judge resigns from the position or leaves the court, whichever time is shorter.
329 At the end of each term of the presiding judge, the position shall pass to the next judge of
330 Division B in rotation and in order of seniority, until all judges of Division B have served
331 all or part of one term as presiding judge. After the junior judge in the rotation has served
332 as presiding judge, the position shall pass to the senior judge and the rotation shall begin
333 again.

334 (c) No judge of Division B shall be eligible to serve as presiding judge during his or her
335 first four years of service on Division B. If any part of a judge's first term as presiding
336 judge would coincide with his or her first four years of service on Division B, the rotation
337 provided in subsection (b) of this section shall skip that judge and he or she shall be eligible
338 for his or her first term as presiding judge in the next full rotation.

339 (d) A judge's service on the former traffic division of the state court shall be counted for
340 purposes of this section.

341 SECTION 2-4.

342 (a) All cases involving violations of the traffic laws of the State of Georgia shall be
343 assigned to the state court.

344 (b) Division B judges may hear and decide any matter within the jurisdiction of the state
345 court, but Division B judges shall hear and decide only such matters as were assigned to
346 the former traffic division of the state court by order of the chief judge or senior judge of
347 the state court set forth in a standing order prior to the effective date of this Act. On and

348 after the effective date of this Act, any change to the matters assigned to the Division B
349 judges shall require the affirmative vote of five judges of the Jury Division, three judges
350 of Division B, and the chief magistrate judge.

351 (c) This section shall not limit the power of the Division B judges to punish contempt
352 actions in the same manner as any other judge of the state court.

353 (d) Notwithstanding any other provision of law to the contrary, this section shall not limit
354 the power of Division B judges to hear and decide any matter at the request of a judge of
355 any court, upon a Designation Order being signed by the requesting judge.

356 **SECTION 2-5.**

357 The Division B judges shall take an oath to faithfully administer and discharge the duties
358 of their offices in accordance with the Constitution and laws of the State of Georgia and
359 the Constitution of the United States, which oath may be administered by any officer
360 authorized under the laws of this state to administer oaths.

361 **SECTION 2-6.**

362 The solicitor of the state court shall be the solicitor of Division B.

363 **SECTION 2-7.**

364 The clerk of the state court shall be the clerk of Division B. All records of the State Court
365 of DeKalb County - Traffic Division shall be transferred to and maintained by the clerk of
366 the state court."

367 **SECTION 20.**

368 An Act to amend an Act approved February 14, 1951, (Ga. L. 1951, p. 2401) creating and
369 establishing the Civil Court of DeKalb County, and acts amendatory thereof, approved
370 March 13, 1957 (Ga. L. 1957, p. 3322), is amended by repealing Section 2 and Section 5 in
371 their entirety.

372 **SECTION 21.**

373 An Act to amend an Act approved February 14, 1951 (Ga. L. 1951, p. 2401), creating and
374 establishing the Civil Court of DeKalb County and all acts amendatory thereof, approved
375 February 18, 1960 (Ga. L. 1960, p. 2166), is amended by repealing Section 3 and Section 10
376 in their entirety.

377 **SECTION 22.**

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