

House Bill 368

By: Representatives Erwin of the 32nd, Anderson of the 10th, Gunter of the 8th, Fleming of the 125th, and Smith of the 18th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding the superior courts, so as to move the Superior Court
3 of Banks County from the Piedmont Judicial Circuit to the Mountain Judicial Circuit; to
4 revise the composition and terms of court of the Piedmont Judicial Circuit to the Mountain
5 Judicial Circuit; to provide for the composition and terms of court of the Piedmont Judicial
6 Circuit to the Mountain Judicial Circuit; provide for the transfer of proceedings and
7 litigations; to provide for intergovernmental agreements regarding costs of the circuits; to
8 provide for staffing; to provide for related matters; to provide effective dates; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **PART I**

12 **SECTION 1-1.**

13 Effective November 1, 2023, Banks County shall be transferred from the Piedmont Judicial
14 Circuit to the Mountain Judicial Circuit.

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15 **SECTION 1-2.**

16 All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court
17 of Banks County at such time as it was a part of the Piedmont Judicial Circuit, including all
18 complaints, pleadings, petitions, indictments, special presentments, summonses, processes,
19 motions, writs, and mesne and final proceedings, together with all books and records of any
20 kind or character belonging to or issued, returnable, filed, pending, or commenced in such
21 county, shall relate to, become a part of, and be transferred to the Mountain Judicial Circuit
22 and its jurisdiction.

23 **SECTION 1-3.**

24 The county governing authorities of the newly constituted Mountain Judicial Circuit and the
25 newly constituted Piedmont Judicial Circuit shall no later than October 31, 2023, enter into
26 such intergovernmental agreements as may be appropriate concerning the matter of
27 allocation of costs and expenses of operation of each respective judicial circuit. Such costs
28 and expenses shall include, but not be limited to, circuit-wide costs and expenditures;
29 supplements to salaries and expenses of judges and district attorneys; transfer of any
30 amounts, as appropriate, held pursuant to Code Section 15-23-7; transfer of any amounts; as
31 appropriate, secured pursuant to condemnation or forfeiture actions from criminal cases that
32 originated from a violation of law in Banks County; and retirement costs.

33 **SECTION 1-4.**

34 All staffing for all judicial circuits referenced herein shall be governed pursuant to Code
35 Section 15-18-28.

36 **PART II**

37 **SECTION 2-1.**

38 Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
39 general provisions regarding superior courts, is amended by revising paragraphs (25)
40 and (32) of Code Section 15-6-1, relating to composition of judicial circuits, as follows:

41 "(25) Mountain Judicial Circuit, composed of the Counties of Banks, Habersham, Rabun,
42 and Stephens;"

43 "(32) Piedmont Judicial Circuit, composed of the Counties of Barrow; and Jackson, ~~and~~
44 ~~Banks~~;"

45 **SECTION 2-2.**

46 Said article is further amended by revising paragraphs (25) and (32) of Code Section 15-6-3,
47 relating to terms of court, as follows:

48 "(25) **Mountain Circuit:**

49 (A) Banks County — January 1 and July 1.

50 ~~(A)~~(B) Habersham County — January 1 and July 1.

51 ~~(B)~~(C) Rabun County — January 1 and July 1.

52 ~~(C)~~(D) Stephens County — January 1 and July 1."

53 "~~(5)~~(32) **Piedmont Circuit:**

54 ~~(A) Banks County — First Monday in February and August; and there shall be a grand~~
55 ~~jury for each term, but the grand jury shall not be required to be impaneled in the first~~
56 ~~day of each term.~~

57 ~~(B)~~ Barrow County — First Monday in February and August; and there shall be a
58 grand jury for each term, but the grand jury shall not be required to be impaneled in the
59 first day of each term.

60 ~~(C)~~(B) Jackson County — First Monday in February and August; and there shall be a
61 grand jury for each term, but the grand jury shall not be required to be impaneled in the
62 first day of each term."

63

PART III

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SECTION 3-1.

65 Part I of this Act shall become effective upon its approval by the Governor or upon its
66 becoming law without such approval for the purpose of facilitating the preparation and
67 execution of intergovernmental agreements pursuant to Section 1-3 of such part. This Act
68 shall otherwise become effective on November 1, 2023.

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SECTION 3-2.

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