

The House Committee on Judiciary offers the following substitute to HB 77:

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 a fourth judge of the superior courts
3 of the Dougherty Judicial Circuit; to provide for the appointment of such additional judge by
4 the Governor; to provide for the election of successors to the judge initially appointed; to
5 prescribe the powers of such judge; to prescribe the compensation, salary, and expense
6 allowance of such judge to be paid by the State of Georgia and the counties comprising said
7 circuit; to authorize the judges of such circuit to divide and allocate the work and duties
8 thereof; to provide for the manner of impaneling jurors; to provide for an additional court
9 reporter for such circuit; to authorize the governing authorities of the counties comprising
10 the Dougherty Judicial Circuit to provide facilities, office space, supplies, equipment, and
11 personnel for such judges; to declare inherent authority; to provide for related matters; to
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

SECTION 1.

15 Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of
16 judges of superior courts, is amended by revising paragraph (5) as follows:

17 "(15) Dougherty Circuit 3 4"

18

SECTION 2.

19 One additional judge of the superior courts is added to the Dougherty Judicial Circuit,
20 thereby increasing to four the number of judges of said circuit.

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SECTION 3.

22 Said additional judge shall be appointed by the Governor for a term beginning July 1, 2023,
23 and continuing through December 31, 2024, and until his or her successor is elected and
24 qualified. His or her successor shall be elected in the manner provided by law for the
25 election of judges of the superior courts of this state at the nonpartisan judicial election in
26 2024, for a term of four years beginning on January 1, 2025, and until his or her successor
27 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
28 election every four years thereafter for terms of four years and until their successors are
29 elected and qualified. They shall take office on the first day of January following the date
30 of the election.

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SECTION 4.

32 The additional judge of the superior courts of the Dougherty Judicial Circuit shall have and
33 may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the
34 present judges of the superior courts of this state. Any of the judges of the Dougherty
35 Judicial Circuit may preside over any cause, whether in their own or in other circuits, and
36 perform any official act as judge thereof, including sitting on appellate courts as provided by
37 law.

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SECTION 5.

39 The qualifications of such additional judge and his or her successors shall be the same as are
40 now provided by law for all other superior court judges, and his or her compensation, salary,
41 and expense allowance from the State of Georgia and from the counties comprising the
42 Dougherty Judicial Circuit shall be the same as are now provided by law for the other
43 superior court judges of such circuit. The provisions, if any, enacted for the supplementation
44 by the counties of such circuit of the salary of the judges of the superior courts of the
45 Dougherty Judicial Circuit shall also be applicable to the additional judge provided for by
46 this Act.

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SECTION 6.

48 All writs and processes in the superior courts of the Dougherty Judicial Circuit shall be
49 returnable to the terms of such superior courts as they are now fixed and provided by law,
50 or as they may hereafter be fixed or determined by law, and all terms of such courts shall be
51 held in the same manner as though there were but one judge, it being the intent and purpose
52 of this Act to provide four judges equal in jurisdiction and authority to attend and perform
53 the functions, powers, and duties of the judges of such superior courts and to direct and
54 conduct all hearings and trials in such courts.

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SECTION 7.

56 Upon and after qualification of the additional judge of the superior courts of the Dougherty
57 Judicial Circuit, the four judges of such circuit may adopt, promulgate, amend, and enforce
58 such rules of practice and procedure in consonance with the Constitution and laws of the
59 State of Georgia as they deem suitable and proper for the effective transaction of the business
60 of the court; and, in transacting the business of the court and in performing their duties and
61 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
62 each. In the event of a disagreement among the judges in respect hereof, the decision of the

63 chief judge shall be controlling. The four judges of the superior courts of the Dougherty
64 Judicial Circuit shall have and are clothed with full power, authority, and discretion to
65 determine from time to time and term to term the manner of calling the dockets, fixing the
66 calendars, and order of business in such courts. They may assign to one of such judges the
67 hearing of trials by jury for a term and the hearing of all other matters not requiring a trial
68 by jury to the other judges, and they may rotate such order of business at the next term. They
69 may conduct trials by jury at the same time in the same county or otherwise within such
70 circuit, or they may hear chambers business and motion business at the same time at any
71 place within such circuit. They may provide in all respects for holding the superior courts
72 of such circuit so as to facilitate the hearing and determination of all the business of such
73 courts at any time pending and ready for trial or hearing. In all such matters relating to the
74 fixing, arranging for, and disposing of the business of such courts and making appointments
75 as authorized by law where the judges thereof cannot agree or shall differ, the opinion or
76 order of the chief judge as provided for in this Act shall control.

77 **SECTION 8.**

78 The drawing and impaneling of all jurors, whether grand, petit, or special, may be conducted
79 by any of the judges of the superior courts of such circuit; and they, or any one of them, shall
80 have full power and authority to draw and impanel jurors for service in such courts so as to
81 have jurors for the trial of cases before any of such judges separately or before each of them
82 at the same time.

83 **SECTION 9.**

84 The four judges of the superior courts of the Dougherty Judicial Circuit shall be authorized
85 and empowered to appoint an additional court reporter for such circuit, whose compensation
86 shall be as now or hereafter provided by law.

87 **SECTION 10.**

88 All writs, processes, orders, subpoenas, and any other official paper issuing out of the
89 superior courts of the Dougherty Judicial Circuit may bear teste in the name of any judge of
90 the Dougherty Judicial Circuit and, when issued by and in the name of any judge of such
91 circuit, shall be fully valid and may be heard and determined before the same or any other
92 judge of such circuit. Any judge of such circuit may preside over any case therein and
93 perform any official act as judge thereof.

94 **SECTION 11.**

95 Upon request of any judge of the circuit, the governing authorities of the counties comprising
96 the Dougherty Judicial Circuit shall be authorized to furnish the judges of such circuit with
97 suitable courtrooms and facilities, office space, telephones, furniture, office equipment,
98 supplies, and such personnel as may be considered necessary by the court to the proper
99 functioning of the court. All of the expenditures authorized in this Act are declared to be an
100 expense of the court and payable out of the county treasury as such.

101 **SECTION 12.**

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

105 **SECTION 13.**

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