

House Bill 808 (COMMITTEE SUBSTITUTE)

By: Representatives Willard of the 51st, Jones of the 47th, Burns of the 159th, Oliver of the 82nd, Meadows of the 5th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to courts, so as to create a new Judicial Qualifications
3 Commission; to provide for the powers, composition, and appointment of such commission;
4 to provide for a commission member's term; to amend Code Section 50-14-3 of the Official
5 Code of Georgia Annotated, relating to certain proceedings exempted from open meetings
6 requirements, so as to remove any exemptions for meetings of the Judicial Qualifications
7 Commission; to provide effective dates; to provide for contingent automatic repeal; to repeal
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general
11 provisions relative to courts, is amended by adding a new Code section to read as follows:

12 "15-1-12.1.

13 (a) Pursuant to Paragraph VI of Section VII of Article VI of the Constitution, there is
14 hereby created the Judicial Qualifications Commission, which shall have the power to
15 discipline, remove, and cause involuntary retirement of judges in accordance with said
16 Paragraph.

17 (b) The commission shall consist of seven members, each of whom shall serve for a term
18 of four years, as follows:

19 (1) Two judges of any court of record, selected by the Supreme Court;

20 (2) One member of the State Bar of Georgia who shall have been an active status
21 member of the state bar for at least ten years and who shall be appointed by the Governor;

22 (3) One member of the State Bar of Georgia who shall have been an active status
23 member of the state bar for at least ten years and who shall be appointed by the Speaker
24 of the House of Representatives;
25

26 (4) One member of the State Bar of Georgia who shall have been an active status
27 member of the state bar for at least ten years and who shall be appointed by the President
28 of the Senate; and

29 (5) Two citizens, neither of whom shall be a member of the State Bar of Georgia, who
30 shall be appointed by the Governor.

31 (c) The commission may adopt procedures for its own governance which are not otherwise
32 provided by the Constitution."

33 **SECTION 2.**

34 Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to certain
35 proceedings exempted from open meetings requirements, is amended by adding a new
36 subsection to read as follows:

37 "(c) The exemptions provided by subsections (a) and (b) of this Code section shall not
38 apply to meetings of the Judicial Qualifications Commission."

39 **SECTION 3.**

40 (a) Section 1 of this Act shall become effective on January 1, 2017, only if an amendment
41 to the Constitution abolishing the existing Judicial Qualifications Commission and
42 requiring the General Assembly to create and provide by general law for the composition
43 and manner of appointment of a new Judicial Qualifications Commission, with such
44 commission having the power to discipline, remove, and cause involuntary retirement of
45 judges, is ratified by the voters at the November, 2016, state-wide general election. If such
46 an amendment is not so ratified, then Section 1 of this Act shall not become effective and
47 shall stand repealed on January 1, 2017.

48 (b) All other provisions of this Act shall become effective upon approval of this Act by the
49 Governor or upon its becoming law without such approval.

50 **SECTION 4.**

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