

House Bill 108

By: Representatives Burnough of the 77th, Glanton of the 75th, Stovall of the 74th, Douglas of the 78th, and Bazemore of the 63rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of Clayton County, approved January 28, 1964
2 (Ga. L. 1964, p. 2032), as amended, particularly by an Act approved April 11, 1979 (Ga. L.
3 1979, p. 3838) and by an Act approved April 16, 1999 (Ga. L. 1999, p. 4665), so as to
4 provide for rotation of the office of chief judge among the judges of said court; to provide
5 for refusal to serve as chief judge; to provide for filling of vacancies in the office of chief
6 judge; to provide for transaction of court business; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act creating the State Court of Clayton County, approved January 28, 1964 (Ga. L. 1964,
11 p. 2032), as amended, particularly by an Act approved April 11, 1979 (Ga. L. 1979, p. 3838)
12 and by an Act approved April 16, 1999 (Ga. L. 1999, p. 4665), is amended by revising
13 Section 3B as follows:

14 "Section 3B.

15 (a)(1) The State Court of Clayton County shall continue to have a chief judge. The chief
16 judge of said court in office on the effective date of this Act shall remain as chief judge
17 until December 31, 2022. Thereafter, the initial successor chief judge of said court and
18 his or her successors shall serve terms of four years each and such chief judge shall be
19 the judge who, except as otherwise provided in this subsection, has served the longest
20 continuous time as a judge of said court. In the event that two or more judges have the
21 same length of continuous service on said court, the judge who has been admitted to the
22 State Bar of Georgia the longest time shall serve as the initial successor chief judge. In
23 the event that a judge who would otherwise qualify as chief judge under this subsection
24 has previously served as chief judge, the length of service for such judge in determining
25 whether such judge shall again serve as chief judge shall be his or her service as a judge
26 of said court since the conclusion of his or her last term as chief judge.

27 (2) Should a judge be eligible and qualify to serve as a new chief judge but decline to do
28 so, he or she shall provide his or her declination in writing to all other judges of the State
29 Court of Clayton County, and in such event the judge of said court with the next greatest
30 length of service as determined in accordance with paragraph (1) of this subsection shall
31 assume the position of chief judge.

32 (3) In the event a vacancy in the position of chief judge occurs by death, resignation,
33 retirement, removal from office, or other disqualification, the judge of said court with the
34 greatest length of service as determined in accordance with paragraph (1) of this
35 subsection shall assume the position of chief judge for the remainder of the then current
36 term.

37 (b) The judges of the State Court of Clayton County in transacting the business of said
38 court and in performing their duties and responsibilities shall share, divide, and allocate the
39 work and duties to be performed by each. In the event that a majority of such judges
40 cannot reach agreement in any respect thereof, the decision of the chief judge shall be
41 controlling."

42 **SECTION 2.**

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