

Senate Bill 508

By: Senators Strickland of the 17th and Anderson of the 43rd

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of Rockdale County, approved April 2, 1987
2 (Ga. L. 1987, p. 5452), as amended, particularly by an Act approved May 18, 2007
3 (Ga. L. 2007, p. 3837), so as to provide an additional judge for such court; to provide for the
4 appointment of such additional judge of such court; to provide for the election of successors;
5 to revise inaccurate references; to provide for related matters; to provide for effective dates;
6 to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 An Act creating the State Court of Rockdale County, approved April 2, 1987 (Ga. L. 1987,
10 p. 5452), as amended, particularly by an Act approved May 18, 2007 (Ga. L. 2007, p. 3837),
11 is amended by revising subsections (b) and (c) of Section 3 as follows:

12 "(b) In all criminal cases, each judge of such court shall be the judge of both questions of
13 fact and of law unless the person subject to be tried shall, before pleading to the charge
14 against him or her, or the state shall demand a jury trial. There shall be no trial by jury in
15 such court unless demanded by the person charged or by the state. Upon either such timely
16 demand being made, such person shall be tried by a jury as is hereinafter provided.

17 (c) In all civil cases, each judge shall be the judge of all questions of fact and law unless
18 either party to such proceeding shall, before the time expires for filing defensive pleadings,
19 file a written demand for a jury trial. Upon such demand being timely filed, the case shall
20 be tried by a jury as hereinafter provided unless such demand for trial by jury is withdrawn
21 before the call of the case for trial. When a demand for trial by jury is filed, the same shall
22 not be withdrawn without the consent of the opposite party."

23

SECTION 2.

24 Said Act is further amended by revising subsection (b) of Section 10 as follows:

25 "(b) For the trial of any case in the Superior Court of Rockdale County or the State Court
 26 of Rockdale County requiring the use of jurors, a jury pool is created. Jurors may be
 27 selected as prescribed by law by either the judges of the Superior Court of Rockdale
 28 County or the judges of the State Court of Rockdale County to appear to be sworn and
 29 serve as jurors before either court. When both the superior court and state court are in
 30 session on the same date, either court may use as jurors persons who are summoned to
 31 appear to serve as jurors by virtue of the authority of either court."

32

SECTION 3.

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

34

"SECTION 11.

35 (a) There shall be a chief judge, who shall be the judge of the State Court of Rockdale
 36 County serving at the time of the effective date of this Act, and one additional associate
 37 judge of such court who each shall be elected by the qualified voters of Rockdale County,
 38 Georgia, as provided by Chapter 7 of Title 15 of the O.C.G.A.; provided, however, that the
 39 initial associate judge shall be appointed by the Governor for a term beginning
 40 January 1, 2022, and continuing through December 31, 2022, and until his or her successor
 41 is elected and qualified. The successor to such initial associate judge shall be elected in the
 42 manner provided by law for the election of judges of the state courts of this state at the
 43 nonpartisan judicial election in 2022, for a term of four years beginning on
 44 January 1, 2023, and until his or her successor is elected and qualified. The judge of such
 45 court in office on the effective date of this Act shall continue to serve the remainder of the
 46 term of office to which he or she was elected and until his or her successor is elected and
 47 qualified. Future successors to such judges shall be elected at the nonpartisan general
 48 election conducted immediately prior to the expiration of the term of office. Such
 49 successors shall take office on the first day of January following their election and shall
 50 serve for a term of office of four years and until their respective successors are duly elected
 51 and qualified.

52 (b) Each judge of said court shall have such qualifications and shall be subject to such
 53 restrictions and discipline as provided in Chapter 7 of Title 15 of the O.C.G.A. Each judge
 54 of such court shall be vested with all the power and authority of judges of the superior
 55 courts as to all matters, except as are exclusively conferred upon the judges of the superior
 56 courts by the Constitution and laws of this state.

57 (c) The state court judges of Rockdale County shall each receive an annual salary equal
58 to 92.5 percent of the annual salary of a superior court judge in Rockdale County. For
59 purposes of this section, the annual salary of a superior court judge in Rockdale County
60 shall be the annual sum of that salary paid from state funds and any local supplement paid
61 by Rockdale County.

62 (1) The annual salary of each state court judge as calculated in accordance with this
63 subsection shall be payable in equal monthly installments from the funds of Rockdale
64 County.

65 (2) Each state court judge shall be authorized to participate in the Group Retirement
66 Program, the Group Hospitalization Benefit Program, and any similar or related plan or
67 program on the same basis as other officers and employees of Rockdale County if he or
68 she meets the normal eligibility requirements of the plans or programs."

69 **SECTION 4.**

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

71 "SECTION 15.

72 Either judge of the State Court of Rockdale County may appoint an official stenographer
73 for said court who shall report such cases as the court may require. Any such appointed
74 stenographer shall receive the same fees as allowed for similar services in the superior
75 court, which shall be taxed and enforced as in the superior court."

76 **SECTION 5.**

77 For the purpose of appointing the initial associate judge under this Act, this Act shall become
78 effective upon its approval by the Governor or upon its becoming law without such approval.
79 For all other purposes, this Act shall become effective on January 1, 2022.

80 **SECTION 6.**

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