

House Bill 186 (AS PASSED HOUSE AND SENATE)

By: Representatives Leverett of the 123rd, Smith of the 18th, Evans of the 57th, and Holcomb of the 81st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, so
2 as to revise an exception applicable to the filing of petitions for review in reviewing courts
3 from lower judicatories; to make conforming changes; to amend Code Section 36-32-2.1 of
4 the Official Code of Georgia Annotated, relating to removal of judges, so as to provide for
5 a conforming change; to provide for related matters; to provide for an effective date and
6 applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended
10 in Chapter 3, relating to appeals to superior or state court, by revising subsection (b) of Code
11 Section 5-3-7, relating to governing practices and procedures, time for petitioning for review,
12 parties, requirements of petition, amendable defects, and service, as follows:

13 "(b) Except as otherwise ~~provided in paragraph (2) of subsection (g) of Code Section~~
14 ~~48-5-311~~ prescribed by law, a petitioner shall file a petition for review with the clerk of the
15 reviewing court within 30 days after the final judgment of the lower judicatory is:

16 (1) Signed and notice of the final judgment has been provided to all parties, if the lower
17 judicatory does not have a clerk; or

18 (2) Filed or recorded, whichever first occurs, if the lower judicatory has a clerk."

19 **SECTION 2.**

20 Said title is further amended in Article 2 of Chapter 6, relating to appellate practice, by
21 revising paragraph (1) of subsection (a) of Code Section 5-6-35, relating to cases requiring
22 application for appeal, requirements for application, exhibits, response, issuance of appellate
23 court order regarding appeal, procedure, supersedeas, jurisdiction of appeal, and appeals
24 involving nonmonetary judgments in custody cases, as follows:

25 "(1) Appeals from decisions of the superior courts reviewing decisions of the State Board
26 of Workers' Compensation, the State Board of Education, auditors, state and local
27 administrative agencies, and lower courts by ~~certiorari or de novo proceedings~~ petition
28 for review; provided, however, that this provision shall not apply to decisions of the
29 Public Service Commission and probate courts and to cases involving ad valorem taxes
30 and condemnations;"

31 **SECTION 3.**

32 Said title is further amended in Chapter 7, relating to appeal or certiorari by state in criminal
33 cases, by revising Code Section 5-7-3, relating to right of certiorari, as follows:

34 "5-7-3.

35 A proceeding by certiorari or petition for review may be taken by and on behalf of the State
36 of Georgia from one court to another court of this state, where the right of certiorari is
37 provided as a procedure for appealing a judgment, in the specified situations set forth in
38 Code Sections 5-7-1 and 5-7-2."

39 **SECTION 4.**

40 Code Section 36-32-2.1 of the Official Code of Georgia Annotated, relating to removal of
41 judges, is amended by revising subparagraph (D) of paragraph (1) of subsection (e) as
42 follows:

43 "(D) The hearing shall be recorded at the expense of the municipal corporation. Such
44 recording should contain at least the audio and may contain video. The audio recording
45 of the hearing shall be transcribed at the judge's expense if he or she requests ~~certiorari~~
46 review by the superior court."

47 **SECTION 5.**

48 This Act shall become effective on July 1, 2023, and shall apply to petitions for review filed
49 in superior or state court on or after such date.

50 **SECTION 6.**

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