

Senate Bill 9

By: Senators Anderson of the 24th, Burns of the 23rd, Strickland of the 17th, Miller of the 49th, Mullis of the 53rd and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To create a new judicial circuit for the State of Georgia, to be known as the Columbia
2 Judicial Circuit and to be composed of Columbia County; to provide for the judges and the
3 district attorney of said new circuit and their terms, selection, and compensation; to transfer
4 certain judges from the Augusta Judicial Circuit to the Columbia Judicial Circuit; to provide
5 for the transfer of certain funds from the Augusta Judicial Circuit to the Columbia Judicial
6 Circuit; to provide for and allocate circuit-wide costs and expenditures; to conform the
7 county salary supplements for the judges of the Augusta Judicial Circuit; to amend Article 1
8 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to general
9 provisions regarding the superior courts, so as to revise the composition and terms of court
10 of the Augusta Judicial Circuit; to provide for the composition, terms of court, and number
11 of judges of the Columbia Judicial Circuit; to provide for related matters; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Effective July 1, 2021, there is created a new judicial circuit of the superior courts of this state to be known as the Columbia Judicial Circuit, which circuit shall be composed of Columbia County. There shall be a district attorney and three judges of the Columbia Judicial Circuit. The offices of the judges and district attorney of the Columbia Judicial Circuit shall be subject to the following provisions:

(1) The district attorney of the Columbia Judicial Circuit shall be appointed by the Governor for a term beginning July 1, 2021, and expiring December 31, 2022. A successor to the district attorney so appointed shall be elected by the voters of the Columbia Judicial Circuit at the 2022 general election, and at the general election quadrennially thereafter, for a term of four years. A candidate for appointment or election to this office in 2021 or thereafter shall be a resident of Columbia County;

(2) The Honorable James G. Blanchard, Jr., the Honorable Sheryl B. Jolly, and the Honorable J. Wade Padgett, currently judges of the Augusta Judicial Circuit and residents of Columbia County, shall become judges of the Columbia Judicial Circuit. Each judge, respectively, shall serve out their current term of office for which he or she was selected, and his or her successor shall be elected by the voters of the Columbia Judicial Circuit at the nonpartisan judicial election next preceding the expiration of their term of office, and at the nonpartisan judicial election quadrennially thereafter, for a term of four years.

A candidate for election to these offices shall be a resident of Columbia County; and

(3) The active judge who is senior in time of service shall serve as chief judge of the Columbia Judicial Circuit.

SECTION 1-2.

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Columbia County at such time as it was a part of the Augusta Judicial Circuit, including all complaints, pleadings, petitions, indictments, special presentments, summonses, processes, motions, writs, and mesne and final proceedings, together with all books and records of any kind or character belonging to or issued, returnable, filed, pending, or commenced in such county, shall relate to, become a part of, and be transferred to the Columbia Judicial Circuit and its jurisdiction.

SECTION 1-3.

In addition to the salary and expenses paid from state funds, and notwithstanding any other provision of law, each judge of the superior court of the Columbia Judicial Circuit shall receive from the funds of Columbia County an additional supplement to such salary and expenses in an amount equal to the aggregate total of additional supplements to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by the counties of the Augusta Judicial Circuit on January 1, 2021.

SECTION 1-4.

In addition to the salary and expenses paid from state funds, the district attorney of the Columbia Judicial Circuit shall receive from the funds of Columbia County an additional supplement to such salary and expenses equal to the aggregate total of additional supplements to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by the counties of the Augusta Judicial Circuit on January 1, 2021.

SECTION 1-5.

The governing authority of Columbia County shall be authorized, but not required, to authorize the employment of assistant district attorneys, deputy district attorneys, or other

61 attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance
62 personnel, and other employees or independent contractors, as authorized under Code
63 Section 15-18-20 of the Official Code of Georgia Annotated.

64 **SECTION 1-6.**

65 (a) Effective with the creation of the Columbia Judicial Circuit, the Augusta Judicial Circuit
66 shall transfer to the Columbia Judicial Circuit the sum equal to 25 percent of the amount it
67 holds as of January 1, 2021, for costs collected pursuant to Code Section 15-23-7 of the
68 Official Code of Georgia Annotated for court connected or court referred alternative dispute
69 resolution programs.

70 (b) Effective with the creation of the Columbia Judicial Circuit, the district attorney of the
71 Augusta Judicial Circuit shall pay over to the district attorney of the Columbia Judicial
72 Circuit the sum equal to the amount he or she holds as of January 1, 2021, that was secured
73 pursuant to condemnation or forfeiture actions from criminal cases that originated from a
74 violation of law in Columbia County.

75 **SECTION 1-7.**

76 All staffing for all judicial circuits referenced herein shall be governed pursuant to Code
77 Section 15-18-28.

78 **PART II**

79 **SECTION 2-1.**

80 Effective with the creation of the Columbia Judicial Circuit, the judges of the Augusta
81 Judicial Circuit shall be composed of the five remaining judges of the Augusta Judicial
82 Circuit, namely, the Honorable Carl C. Brown, Jr., the Honorable Daniel J. Craig, the
83 Honorable John Flythe, the Honorable Ashley Wright, and the successor to the Honorable

84 Michael N. Annis, and their successors. Each judge shall serve out their current term of
85 office for which he or she was selected, and his or her successor shall be elected by the voters
86 of the Augusta Judicial Circuit at the nonpartisan judicial election next preceding the
87 expiration of their term of office, and at the nonpartisan judicial election quadrennially
88 thereafter, for a term of four years. A candidate for election to these offices shall be a
89 resident of Richmond County or Burke County.

90 **SECTION 2-1A.**

91 Effective upon the creation of the Columbia Judicial Circuit, the district attorney of the
92 Augusta Judicial Circuit shall be the Honorable Jared T. Williams and his successors. Mr.
93 Williams shall serve out his current term of office for which he was elected, and his
94 successor shall be elected by the voters of the Augusta Judicial Circuit at the general election
95 next preceding the expiration of his term of office, and at the general election quadrennially
96 thereafter, for a term of four years. A candidate for election to this office shall be a resident
97 of Richmond County or Burke County.

98 **SECTION 2-2.**

99 (a) Except as provided for under Sections 2-3 and 2-4 of this Act:

100 (1) Ninety percent of the circuit-wide costs and expenditures of the Augusta Judicial
101 Circuit shall be paid by Richmond County; and

102 (2) Ten percent of the circuit-wide costs and expenditures of the Augusta Judicial Circuit
103 shall be paid by Burke County.

104 (b) The percentages provided for under subsection (a) of this section may be revised by an
105 agreement in writing executed between the governing authority of Richmond County and the
106 governing authority of Burke County.

SECTION 2-3.

(a) In addition to the salary and expenses paid from state funds, and notwithstanding any other provision of law, each judge of the superior court of the Augusta Judicial Circuit shall receive from the funds of Richmond County and Burke County additional supplements in proportions provided for under subsection (b) of this section.

(b)(1) Richmond County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Richmond County on January 1, 2021; and

(B) Eighty percent of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

(2) Burke County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Burke County on January 1, 2021; and

(B) Twenty percent of the additional supplement to the salary and expenses of the judges of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

SECTION 2-4.

(a) In addition to the salary and expenses paid from state funds, the district attorney of the Augusta Judicial Circuit shall receive from the funds of Richmond County and Burke County an additional supplement in proportions provided for under subsection (b) of this section.

(b)(1) Richmond County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Richmond County on January 1, 2021; and

(B) Eighty percent of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

(2) Burke County shall pay an additional supplement equal to:

(A) The amount of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Burke County on January 1, 2021; and

(B) Twenty percent of the additional supplement to the salary and expenses of the district attorney of the Augusta Judicial Circuit then in effect and paid by Columbia County on January 1, 2021.

PART III

SECTION 3-1.

Senior or retired judges of the Augusta Judicial Circuit who, as of June 30, 2021, receive a retirement supplement or have been paid a retirement supplement from Columbia County, Richmond County, and Burke County shall continue to receive such supplements from such counties in the same amounts and in the same ratios as such supplements are paid as of June 30, 2021.

SECTION 3-2.

Any judge of the Augusta Judicial Circuit who is in active service as of July 1, 2021, or who shall be appointed or elected as a judge of the Augusta Judicial Circuit on or after July 1, 2021, shall, upon his or her retirement from active service and eligibility for retirement

155 payments under a State of Georgia retirement system, receive a retirement supplement from
156 the county or counties that comprise the Augusta Judicial Circuit as of the date such judge
157 discontinues active service. Such retirement supplement shall be in an amount equal to the
158 percentage that his or her State of Georgia retirement payments are to his or her last salary
159 from the State of Georgia as an active judge of the Augusta Judicial Circuit, multiplied by
160 the aggregate county salary supplement then paid to active judges as of the date of such
161 judge's retirement from active service.

162 **SECTION 3-3.**

163 Any judge of the Columbia Judicial Circuit who is in active service as of July 1, 2021, or
164 who shall be appointed or elected as a judge of the Columbia Judicial Circuit after July 1,
165 2021, shall, upon his or her retirement from active service and eligibility for retirement
166 payments under a State of Georgia retirement system, receive a retirement supplement from
167 the county or counties that comprise the Columbia Judicial Circuit as of the date such judge
168 discontinues active service. Such retirement supplement shall be in an amount equal to the
169 percentage that his or her State of Georgia retirement payments are to his or her last salary
170 from the State of Georgia as an active judge of the Columbia Judicial Circuit, multiplied by
171 the aggregate county salary supplement then paid to active judges as of the date of such
172 judge's retirement from active service.

173 **SECTION 3-4.**

174 Any retirement supplements due under this part by a judicial circuit made up of more than
175 one county shall be paid in the same proportions as those counties divide the payment of
176 salary supplements to active judges of that judicial circuit.

PART IV

SECTION 4-1.

Article 1 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding superior courts, is amended by revising paragraph (5) of, and adding a new paragraph to, Code Section 15-6-1, relating to composition of judicial circuits, as follows:

"(5) Augusta Judicial Circuit, composed of the Counties of Burke, ~~Columbia~~, and Richmond;"

"(11.1) Columbia Judicial Circuit, composed of the County of Columbia;"

SECTION 4-2.

Said article is further amended by revising paragraph (5) of, and adding a new paragraph to, Code Section 15-6-2, relating to number of superior court judges, to read as follows:

"(5) Augusta Circuit 8 5"

"(11.1) Columbia Circuit 3"

SECTION 4-3.

Said article is further amended by revising paragraph (5) of, and adding a new paragraph to, Code Section 15-6-3, relating to terms of court, as follows:

"(5) **Augusta Circuit:**

(A) Burke County — Fourth Monday in April and October.

(B) ~~Columbia County — Fourth Monday in March and September.~~

~~(C)~~ Richmond County — Third Monday in January, March, May, July, September, and November."

"(11.1) **Columbia Circuit:**

Columbia County — Fourth Monday in March and September."

201

PART V

202

SECTION 5-1.

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