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BOARD OF COMMISSIONERS

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February 3, 2021

VIA U.S. MAIL

Sen. Brian Strickland  
324-B Coverdell Legislative Office Building  
Atlanta, GA 30334

Sen. Tonya Anderson  
110-A Coverdell Legislative Office Building  
Atlanta, GA 30334

Rep. Regina Lewis-Ward  
607-B Coverdell Legislative Office Building  
Atlanta, GA 30334

Rep. Clint Crowe  
612-B Coverdell Legislative Office Building  
Atlanta, GA 30334

Rep. Dave Belton  
614-A Coverdell Legislative Office Building  
Atlanta, GA 30334

Rep. Sharon Henderson  
512-E Coverdell Legislative Office Building  
Atlanta, GA 30334

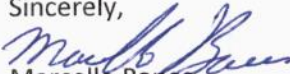
Re: Board of Commissioners Request for Legislative Changes

Dear Honorable Members of the Delegation:

Accompanying this correspondence, please find a proposed amendment regarding the creation of the Newton County Judicial Circuit which was approved by the Newton County Board of Commissioners at the Board's February 2, 2021 Regular Called Meeting. The Newton County Board of Commissioners respectfully requests the Local Delegation's consideration of modifying the impacted legislation for the Newton County Board of Commissioners. I very much appreciate the Delegation's advancing of this initiative to the best of its ability during this legislative session. Please contact me with any questions.

Request for legislative action this session.

Kindest regards.

Sincerely,  
  
Marcello Banes  
Chairman

encl.

cc: Newton County Board of Commissioners (via email)  
Lloyd Kerr, Newton County Manager (via email)  
Jackie Smith, Newton County Clerk (via email)

A BILL TO BE ENTITLED AN ACT

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

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 Newton Judicial Circuit, which circuit shall be composed of Newton County. There shall be a district attorney and three judges of the Newton Judicial Circuit. The offices of the judges and district attorney of the Newton Judicial Circuit shall be subject to the following provisions:

(1) The district attorney of the Newton 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 Newton 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 Newton County;

(2) The Honorable Cheveda D. McCamy, The Honorable Layla Zon, The Honorable W. Kendall Wynne, Junior, and residents of Newton County, shall become judges of the Newton 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 Newton 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 Newton County; and

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

### **SECTION 1-2.**

All proceedings and litigations, civil, equitable, and criminal, pending in the Superior Court of Newton County at such time as it was a part of the Alcovy 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 Newton 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 Newton Judicial Circuit shall receive from the funds of Newton 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 Alcovy Judicial Circuit then in effect and paid by the counties of the Alcovy 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 Newton Judicial Circuit shall receive from the funds of Newton 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 Alcovy Judicial Circuit then in effect and paid by the counties of the Alcovy Judicial Circuit on January 1, 2021.

**SECTION 1-5.**

The governing authority of Newton County shall be authorized, but not required, to authorize the employment of assistant district attorneys, deputy district attorneys, or other attorneys, investigators, paraprofessionals, clerical assistants, victim and witness assistance personnel, and other employees or independent contractors, as authorized under Code Section 15-18-20 of the Official Code of Georgia Annotated.

**SECTION 1-6.**

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

(b) Effective with the creation of the Newton Judicial Circuit, the district attorney of the Alcovy

Judicial Circuit shall pay over to the district attorney of the Newton Judicial Circuit the sum equal to the amount he or she holds as of January 1, 2021, that was secured pursuant to condemnation or forfeiture actions from criminal cases that originated from a violation of law in Newton County.

**PART II**  
**SECTION 2-1.**

Effective with the creation of the Newton Judicial Circuit, the judges of the Alcovy Judicial Circuit shall be composed of the three remaining judges: The Honorable Judge John Ott, The Honorable Jeffrey L. Foster and The Honorable Eugene Benton, and residents of Walton County, shall become judges of the Alcovy Judicial Circuit and their successors. 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 Alcovy 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 Walton County.

**SECTION 2-2.**

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

One Hundred percent of the circuit-wide costs and expenditures of the Alcovy Judicial Circuit shall be paid by Walton County.

(b) The percentages provided for under subsection (a) of this section may be revised by an agreement in writing executed between the governing authority of Newton County and the governing authority of Walton 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 Alcovy Judicial Circuit shall receive from

the funds of Walton County additional supplements in proportions provided for under subsection (b) of this section.

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

The amount of the additional supplement to the salary and expenses of the judges of the Alcovy Judicial Circuit then in effect and paid by Newton 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 Walton Judicial Circuit shall receive from the funds of Walton County additional supplement in proportions provided for under subsection (b) of this section.

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

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

(2) One Hundred percent of the additional supplement to the salary and expenses of the district attorney of the Walton Judicial Circuit then in effect and paid by Walton County on January 1, 2021.

#### **PART III** **SECTION 3-1.**

Senior or retired judges of the Alcovy Judicial Circuit who, as of June 30, 2021, receive a retirement supplement or have been paid a retirement supplement from Newton County, or Walton 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 Newton Judicial Circuit who is in active service as of July 1, 2021, or who shall be appointed or elected as a judge of the Newton Judicial Circuit on or after July 1, 2021, shall,



upon his or her retirement from active service and eligibility for retirement payments under a State of Georgia retirement system, receive a retirement supplement from the county or counties that comprise the Newton Judicial Circuit as of the date such judge discontinues active service. Such retirement supplement shall be in an amount equal to the percentage that his or her State of Georgia retirement payments are to his or her last salary from the State of Georgia as an active judge of the Newton Judicial Circuit, multiplied by the aggregate county salary supplement then paid to active judges as of the date of such judge's retirement from active service.

### **SECTION 3-3.**

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

## **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 (2) of, and adding a new paragraph to, Code Section 15-6-1, relating to composition of judicial circuits, as follows:

"(2) ~~Alcove~~ Judicial Circuit, composed of the County of ~~Counties of Newton and Walton County;~~"

"(25.1) Newton Judicial Circuit, composed of the County of Newton;"

### **SECTION 4-2.**

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

"(2) Alcovy Circuit.....5 3"  
"(25.1) Newton Circuit.....3"

**SECTION 4-3.**

Said article is further amended by revising paragraph (2) of, and adding a new paragraph to, Code Section 15-6-3, relating to terms of court, as follows:

**"(2) Alcovy Circuit:**

(A) Newton County — Fourth Monday in March and September.

~~(B) Walton County--First and second Mondays in February, May, August, and November."~~

**"(25.1) Newton Circuit:**

Newton County — Fourth Monday in March and September."

**PART V  
SECTION 5-1.**

All laws and parts of laws in conflict with this Act are repealed. The Act creating a new judicial circuit for the State of Georgia known as the Alcovy Judicial Circuit, approved March 9, 1972 (Ga. Laws 1972, p. 152), as amended, shall be deemed amended as necessary to conform to this Act.



**A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS REQUESTING THE LOCAL DELEGATION TO INTRODUCE LEGISLATION AT THE REGULAR 2021 SESSION OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA CREATING THE NEWTON COUNTY JUDICIAL CIRCUIT**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, the Alcovy Judicial Circuit was created by a Local Act of the Georgia General Assembly, approved March 9, 1972 (Ga. Laws 1972, p. 152), as subsequently amended; and

**WHEREAS**, O.C.G.A. § 15-6-1 (Number of judicial circuits) controls how the entire state of Georgia is divided into judicial circuits and Newton County and Walton County are part of the existing Alcovy Judicial Circuit; and

**WHEREAS**, the Newton County Board of Commissioners desires to establish a new judicial circuit to be called the Newton County Judicial Circuit; and

**WHEREAS**, O.C.G.A. § 15-6-2 (Number of judges in each judicial circuit) controls how many judges are assigned to each judicial circuit; and

**WHEREAS**, the Newton County Board of Commissioners wishes to have three Superior Court Judges assigned to the Newton County Judicial Circuit; and

**WHEREAS**, O.C.G.A. § 15-6-3 (Terms of court) controls how each judicial circuit will establish terms of court; and

**WHEREAS**, the Newton County Board of Commissioners wishes to establish the term of court for the Newton County Judicial Circuit as follows: Second and third Mondays in January, April, July, and October; and

**WHEREAS**, the Newton County Board of Commissioners desires to create a new judicial circuit and confirm the assignment of the number of judges and terms of court; and

**WHEREAS**, the Newton County Board of Commissioners wishes to convey its desire to have legislation passed establishing and confirming the creation of the Newton County Judicial Circuit and transferring Newton County from the existing Alcovy Judicial Circuit; and


**NOW, THEREFORE, BE IT RESOLVED**, that the Newton County Board of Commissioners respectfully requests that the local legislative delegation introduce legislation at the regular 2021 session of the General Assembly of Georgia, establishing the Newton County Judicial Circuit to be staffed with three judges, and establishing the terms of court.

Duly adopted this 2<sup>nd</sup> day of February, 2021.

**NEWTON COUNTY BOARD OF COMMISSIONERS**

  
Marcello Banes, Chairman

Attested to:

  
Jackie Smith, County Clerk

