

House Bill 456 (AS PASSED HOUSE AND SENATE)

By: Representatives Gunter of the 8th, Lumsden of the 12th, Scoggins of the 14th, Silcox of the 53rd, and Collins of the 71st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding municipal courts, so as to increase the term for
3 municipal court judges from one year to two years unless otherwise provided for in a
4 municipality's charter; to provide for removal of municipal court judges for breach of
5 contract; to provide for an effective date and applicability; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to
10 general provisions regarding municipal courts, is amended by revising paragraph (1) of
11 subsection (a) of Code Section 36-32-2, relating to appointment of judges, as follows:

12 "(a)(1) Notwithstanding any other provision of this chapter or any general or local Act,
13 the governing authority of each municipal corporation within this state having a
14 municipal court, as provided by the Act incorporating the municipal corporation or any
15 amendments thereto, is authorized to appoint a judge of such court. Any individual
16 appointed as a judge under this Code section shall possess such qualifications as set forth

17 in Code Section 36-32-1.1 and shall receive such compensation as shall be fixed by the
18 governing authority of the municipal corporation. Notwithstanding the failure of the
19 governing body of a municipal corporation to enter into a written agreement or enact an
20 ordinance as provided for in this paragraph, any individual appointed as a judge under
21 this Code section shall serve for a minimum term of ~~one year~~ two years from the date of
22 appointment as reflected in the minutes of the municipal corporation, unless such
23 municipal corporation's charter provides for a longer term, and until a successor is
24 appointed or if the judge is removed from office as provided in Code Section 36-32-2.1.
25 Such term shall be memorialized in a written agreement between such individual and the
26 governing authority of the municipal corporation or in an ordinance or a charter. If such
27 term is memorialized in a written agreement, such agreement shall not include any
28 geographic limitation concerning a judge's eligibility to serve and shall not contain any
29 provision that a judge serve in an at-will capacity."

30 **SECTION 2.**

31 Said article is further amended by revising subsection (b) of Code Section 36-32-2.1, relating
32 to removal of judges, as follows:

33 "(b)(1) A judge may be removed during his or her term of office by a two-thirds' vote of
34 the entire membership of the governing authority of the municipal corporation for:

35 (A) Willful misconduct in office;

36 (B) Willful and persistent failure to perform duties;

37 (C) Habitual intemperance;

38 (D) Conduct prejudicial to the administration of justice which brings the judicial office
39 into disrepute; or

40 (E) Disability seriously interfering with the performance of duties, which is, or is likely
41 to become, of a permanent character.

42 (2) A municipality may define in its charter further conduct that may lead to a judge's
43 removal.

44 (3) Where a municipality has entered into a written agreement with an individual
45 memorializing the terms and conditions of his or her appointment as judge, and the
46 municipality alleged a breach of the agreement:

47 (A) Written notice of such breach shall be given to the judge;

48 (B) The judge shall have up to 30 days after receiving the notice to cure the alleged
49 breach;

50 (C) Where a municipality seeks to remove a judge for breach of the agreement, such
51 removal during a judge's term shall only occur in the event of a material breach; and

52 (D) Removal for a material breach may only be done subject to the provisions of
53 subsection (c) of this Code section."

54 **SECTION 3.**

55 This Act shall become effective on July 1, 2024, and shall apply to written agreements
56 entered into on or after such date.

57 **SECTION 4.**

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