



CITY COUNCIL AGENDA ITEM

SUBJECT: HB 916 Superior and State Court Appellate Practice Act – 1st Read

AGENDA SECTION: *(check all that apply)*

☐ PRESENTATION ☐ PUBLIC HEARING ☐ CONSENT AGENDA ☐ OLD BUSINESS
☒ NEW BUSINESS ☐ OTHER, PLEASE STATE: Click or tap here to enter text.

CATEGORY: *(check all that apply)*

☒ ORDINANCE ☐ RESOLUTION ☐ CONTRACT ☐ POLICY ☐ STATUS REPORT
☐ OTHER, PLEASE STATE: Click or tap here to enter text.

ACTION REQUESTED: ☐ DECISION ☒ DISCUSSION, ☐ REVIEW, or ☐ UPDATE ONLY

Previously Heard Date(s): Click or tap to enter a date. & Click or tap to enter a date.

Current Work Session: Click or tap to enter a date.

Current Council Meeting: Monday, July 10, 2023

SUBMITTED BY: Court Administrator Mallory Minor

PRESENTER: Chief Judge Curtis W. Miller and Court Administrator Mallory Minor

PURPOSE: Effective July 1, 2023, H.B. 916 (2022), the Superior and State Court Appellate Practice Act, will repeal and replace Georgia’s notice of appeal and certiorari review statutes.

FACTS: Effective July 1, 2023, H.B. 916 (2022), the Superior and State Court Appellate Practice Act, will repeal and replace Georgia’s notice of appeal and certiorari review statutes (former OCGA §§ 5-3-1 et seq.; 5-4-1 et seq.) with a unified “petition for review” procedure for appealing cases from a lower judiciary to superior court or state court. OCGA §§ 5-3-1 to 5-3-21. The new “petition for review” is a modernized and relatively simplified process for superior or state court review of decisions from municipal courts, magistrate courts, non-Article 6 probate courts, and other lower judiciaries. OCGA § 5-3-2 (b) (1); 5-3-4 (b) (6). A “lower judiciary” is broadly defined in OCGA § 5-3-3 (5)-(6) to include any government official or body “exercising judicial or quasi-judicial powers authorized by law.”

OPTIONS: Discussion only Click or tap here to enter text.

RECOMMENDED ACTION: Choose an item. Click or tap here to enter text.



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ATTACHMENTS:

- (1) Attachment 1 - Superior and State Court Appellate Practice Act Bench Card for Clerks
- (2) Attachment 2 - Model Petition for Review – Superior and State Court
- (3) Attachment 3 - Model Certificate of Payment of Costs for Petition for Review
- (4) Attachment 4 - Section 4.05 Certiorari and Section 9-41 Appeals
- (5) Attachment 5 - Amended Ordinance